

6323-S

Sponsor(s): Senate Committee on Law & Justice (originally sponsored by Senators Roach, Long, Heavey, Swecker, Snyder, McCaslin, Goings and Rasmussen)

Brief Title: Clarifying the law of adverse possession affecting forest land.

SB 6323-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that, in any action seeking to establish an adverse claimant as the legal owner of a fee or other interest in forest land based on a claim of adverse possession, and in any defense to an action brought by the holder of record title for recovery of title or possession to a fee or other interest in forest land where such defense is based on a claim of adverse possession, the court shall not find the adverse claimant to have established open and notorious possession of the forest lands at issue unless the adverse claimant establishes by clear and convincing evidence that the adverse claimant has made or erected substantial improvements on such lands and has made continuous use of such improvements for at least ten years.

Defines a substantial improvement as a permanent or semipermanent structure or enclosure for which the costs of construction exceeded fifty thousand dollars.

Provides that this section shall not apply to any adverse claimant who seeks to assert a claim or defense of adverse possession in an action against any person who, at the time such action is commenced, owns less than twenty acres of forest land in the state of Washington.