
SENATE BILL 6310

State of Washington 59th Legislature 2006 Regular Session

By Senators Carrell, Benton, Mulliken, Schoesler, Stevens, Zarelli
and Schmidt

Read first time 01/11/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to adverse possession; adding a new section to
2 chapter 7.28 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to add the elements
5 of (1) substantial improvement and (2) contiguous property ownership to
6 the common law elements of adverse possession, which are: Actual,
7 open, notorious, exclusive, hostile, and continuous possession. The
8 legislature intends that prior to taking property from the true owner,
9 the adverse possessor must have made substantial improvements upon the
10 property at issue and such improvements must have remained on the
11 property for at least ten years.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.28 RCW
13 to read as follows:

14 (1) A person may acquire title to real property by adverse
15 possession only if:

16 (a) The person has maintained actual, open, notorious, exclusive,
17 hostile, and continuous possession of the property for the period set
18 forth in RCW 4.16.020;

1 (b) The person has made or erected substantial improvements upon
2 the property at issue and such improvements have remained on the
3 property for at least ten years;

4 (c) The person owns property that is contiguous to the property at
5 issue; and

6 (d) The person proves each of the elements set forth in this
7 section by clear and convincing evidence.

8 (2) For purposes of this section:

9 (a) "Contiguous" means property adjoining or touching by common
10 corner or otherwise.

11 (b) "Substantial improvement" means a permanent or semipermanent
12 structure or enclosure for which the adverse possessor obtained a
13 building permit for the construction of the structure or enclosure.

14 (3) This section applies to all causes of action commenced on or
15 after July 1, 2006, regardless of when the cause of action arose. To
16 this extent, this section applies retroactively, but in all other
17 respects it applies prospectively.

--- END ---