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HOUSE BILL 1122

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Campbell, Flannigan, and McCune

Read first time 01/14/09. Referred to Committee on Judiciary.

1            AN ACT Relating to procedures for resolving boundary disputes; and  
2 amending RCW 58.04.020.

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

4            **Sec. 1.** RCW 58.04.020 and 1996 c 160 s 8 are each amended to read  
5 as follows:

6            (1) Whenever the boundaries of lands between two or more adjoining  
7 proprietors have been lost, or by time, accident or any other cause,  
8 have become obscure, or uncertain, and the adjoining proprietors cannot  
9 agree to establish the same, one or more of the adjoining proprietors  
10 may bring a civil action in equity, in the superior court, for the  
11 county in which such lands, or part of them are situated, and that  
12 superior court, as a court of equity, may upon the complaint, order  
13 such lost or uncertain boundaries to be erected and established and  
14 properly marked.

15            (2) The superior court may order the parties to utilize mediation  
16 before the civil action is allowed to proceed.

17            (3) In an action brought under this section, the superior court may  
18 grant injunctive relief or other temporary restraining orders to  
19 prevent the removal of, or damages to, property located on the portion

1 of land that is in dispute. The court may grant such relief whether or  
2 not the parties are required to utilize mediation before the civil  
3 action is allowed to proceed. The court may also grant such relief  
4 without the requesting party being required to post bond if the court  
5 finds there exists a likelihood that the requesting party will prevail  
6 on the merits of the action brought under this section. The court  
7 shall require a party who violates the order for injunctive relief or  
8 temporary restraining order to pay damages to the injured party.  
9 Nothing in this subsection impairs, modifies, or supplants any other  
10 remedy available at law or equity.

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