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HOUSE BILL 1026

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Rolfes, Orcutt, Carlyle, Blake, Angel, and McCune

Prefiled 12/14/10. Read first time 01/10/11. Referred to Committee on  
Judiciary.

1            AN ACT Relating to adverse possession; adding new sections 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.** A new section is added to chapter 7.28 RCW  
5 to read as follows:

6            (1) In an action involving a claim asserting title to real property  
7 by adverse possession, the person asserting the claim must prove each  
8 element of the claim by clear and convincing evidence.

9            (2) In an action involving a claim asserting title to real property  
10 by adverse possession, the person asserting the claim of adverse  
11 possession is liable for the costs and reasonable attorneys' fees of  
12 the party defending against the claim of adverse possession.

13            (3) This section does not apply to claims of adverse possession  
14 brought under RCW 7.28.050, 7.28.070, or 7.28.085.

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

17            The prevailing party in an action involving a claim of adverse  
18 possession of real property is liable for any taxes levied on the real

1 property during the period of adverse possession that were paid by  
2 another party or that are owed to the county assessor of the county in  
3 which the real property is located.

4 NEW SECTION. **Sec. 3.** This act applies to actions filed on or  
5 after July 1, 2012.

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