H-1147.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1829**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Goodman and Rodne

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

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

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

(1) In any action or counterclaim asserting ownership to real property acquired by adverse possession, the owner of the real property as shown by the recorded deed descriptions is entitled to an affirmative defense by proving that the person who commenced the possession of the real property did not have the honest belief, at the time of commencing the possession, that he or she was the rightful owner and entitled to possession of the real property. A person asserting ownership to real property by adverse possession is entitled to a rebuttable presumption that the person, or the person's predecessor in interest, who commenced possession of the real property had an honest belief, at the time of commencing the possession, that he or she was the rightful owner and entitled to possession of the real property, unless the court concludes that belief was not reasonable under the circumstances.

(2) This section applies to actions or counterclaims first asserting ownership based upon adverse possession on or after the effective date of this section.

**--- END ---**