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HOUSE BILL 1829

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Goodman and Rodne

Read first time 01/29/15. Referred to Committee on Judiciary.

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

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 any action or counterclaim asserting ownership to real  
7 property acquired by adverse possession, the owner of the real  
8 property as shown by the recorded deed descriptions is entitled to an  
9 affirmative defense by proving that the person who commenced the  
10 possession of the real property did not have the honest belief, at  
11 the time of commencing the possession, that he or she was the  
12 rightful owner and entitled to possession of the real property. A  
13 person asserting ownership to real property by adverse possession is  
14 entitled to a rebuttable presumption that the person, or the person's  
15 predecessor in interest, who commenced possession of the real  
16 property had an honest belief, at the time of commencing the  
17 possession, that he or she was the rightful owner and entitled to  
18 possession of the real property, unless the court concludes that  
19 belief was not reasonable under the circumstances.

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

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