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**HOUSE BILL 2140**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Griffey, Couture, Jacobsen, Graham, and Sandlin

Prefiled 01/04/24. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to modifying laws related to adverse possession  
2 to protect legal owners of property; amending RCW 7.28.050 and  
3 7.28.083; creating a new section; and repealing RCW 7.28.100.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to make sure that  
6 property owners that have legal title to property are able to prevail  
7 in the court system against claims from people that do not own the  
8 property. Properly purchased property where the landowner pays the  
9 taxes deserves to be respected by all branches of government. The  
10 government of Washington was established to protect and maintain  
11 individual rights, with the right to own property being fundamental.  
12 This act is intended to make it so people that legally own property  
13 are protected by government systems rather than providing a pathway  
14 for people to take that property away without payment.

15 **Sec. 2.** RCW 7.28.050 and 1893 c 11 s 1 are each amended to read  
16 as follows:

17 (1) That all actions brought for the recovery of any lands,  
18 tenements or hereditaments of which any person may be possessed by  
19 actual, open and notorious possession for seven successive years,  
20 having a connected title in law or equity deducible of record from

1 this state or the United States, or from any public officer, or other  
2 person authorized by the laws of this state to sell such land for the  
3 nonpayment of taxes, or from any sheriff, marshal or other person  
4 authorized to sell such land on execution or under any order,  
5 judgment or decree of any court of record, shall be brought within  
6 seven years next after possession being taken as aforesaid, but when  
7 the possessor shall acquire title after taking such possession, the  
8 limitation shall begin to run from the time of acquiring title.

9 (2) Where there is a properly recorded instrument in the  
10 auditor's office of the county in which real estate is situated  
11 establishing ownership and identifiable boundaries of the property,  
12 claims on grounds of open and notorious possession cannot be used to  
13 divest the property owner of property in disputes related to line  
14 boundaries that have been mistaken by abutting or adjacent property  
15 owners.

16 **Sec. 3.** RCW 7.28.083 and 2011 c 255 s 1 are each amended to read  
17 as follows:

18 (1) A party who prevails against the holder of record title at  
19 the time an action asserting title to real property by adverse  
20 possession was filed, or against a subsequent purchaser from such  
21 holder, may be required to:

22 (a) Reimburse such holder or purchaser for part or all of any  
23 taxes or assessments levied on the real property during the period  
24 the prevailing party was in possession of the real property in  
25 question and which are proven by competent evidence to have been paid  
26 by such holder or purchaser; and

27 (b) Pay to the treasurer of the county in which the real property  
28 is located part or all of any taxes or assessments levied on the real  
29 property after the filing of the adverse possession claim and which  
30 are due and remain unpaid at the time judgment on the claim is  
31 entered.

32 (2) If the court orders reimbursement for taxes or assessments  
33 paid or payment of taxes or assessments due under subsection (1) of  
34 this section, the court shall determine how to allocate taxes or  
35 assessments between the property acquired by adverse possession and  
36 the property retained by the titleholder. In making its  
37 determination, the court shall consider all the facts and shall order  
38 such reimbursement or payment as appears equitable and just.

1        (~~(3) The prevailing party in an action asserting title to real~~  
2 ~~property by adverse possession may request the court to award costs~~  
3 ~~and reasonable attorneys' fees. The court may award all or a portion~~  
4 ~~of costs and reasonable attorneys' fees to the prevailing party if,~~  
5 ~~after considering all the facts, the court determines such an award~~  
6 ~~is equitable and just.))~~

7        NEW SECTION.    **Sec. 4.**    RCW 7.28.100 (Construction) and 1893 c 11  
8    s 6 are each repealed.

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