
ENGROSSED SUBSTITUTE SENATE BILL 6266

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Morton, Haugen, McCaslin, Rasmussen, Hargrove and Schow)

Read first time 02/02/96.

1 AN ACT Relating to the establishment of lost and uncertain
2 boundaries; amending RCW 58.04.020; adding new sections to chapter
3 58.04 RCW; repealing RCW 58.04.010; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to provide
6 alternative procedures for fixing boundary points or lines when they
7 cannot be determined from the existing public record and landmarks or
8 are otherwise in dispute. This chapter does not impair, modify, or
9 supplant any other remedy available at law or equity.

10 NEW SECTION. **Sec. 2.** As used in this chapter, "surveyor" means
11 every person authorized to practice the profession of land surveying
12 under the provisions of chapter 18.43 RCW.

13 NEW SECTION. **Sec. 3.** Whenever a point or line determining the
14 boundary between two or more parcels of real property cannot be
15 identified from the existing public record, monuments, and landmarks,
16 or is in dispute, the landowners affected by the determination of the

1 point or line may resolve any dispute and fix the boundary point or
2 line by one of the following procedures:

3 (1) If all of the affected landowners agree to a description and
4 marking of a point or line determining a boundary, they shall document
5 the agreement in a written instrument, using appropriate legal
6 descriptions and including a survey map, filed in accordance with
7 chapter 58.09 RCW. The written instrument shall be signed and
8 acknowledged by each party in the manner required for a conveyance of
9 real property. The agreement is binding upon the parties, their
10 successors, assigns, heirs and devisees and runs with the land. The
11 agreement shall be recorded with the real estate records in the county
12 or counties in which the affected parcels of real estate or any portion
13 of them is located;

14 (2) If all of the affected landowners cannot agree to a point or
15 line determining the boundary between two or more parcels of real
16 estate, any one of them may bring suit for determination as provided in
17 RCW 58.04.020.

18 NEW SECTION. **Sec. 4.** Any surveyor authorized by the court and the
19 surveyor's employees may, without liability for trespass, enter upon
20 any land or waters and remain there while performing the duties as
21 required in sections 1 through 4 of this act. The persons named in
22 this section may, without liability for trespass, investigate,
23 construct, or place a monument or reference monuments for the position
24 of any land boundary mark or general land office corner or mark and
25 subdivisional corners thereof. Persons entering lands under the
26 authority of sections 1 through 4 of this act must exercise due care
27 not to damage property while on land or waters performing their duties,
28 and are liable for property damage, if any, caused by their negligence
29 or willful misconduct. Where practical, the persons named in this
30 section must announce and identify themselves and their intention
31 before entering upon private property in the performance of their
32 duties.

33 NEW SECTION. **Sec. 5.** A person who intentionally disturbs a survey
34 monument placed by a surveyor in the performance of the surveyor's
35 duties is guilty of a gross misdemeanor and is liable for the cost of
36 the reestablishment.

1 NEW SECTION. **Sec. 6.** RCW 58.04.010 and 1895 c 77 s 9 are each
2 repealed.

3 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act are each
4 added to chapter 58.04 RCW.

5 **Sec. 8.** RCW 58.04.020 and 1886 p 104 s 1 are each amended to read
6 as follows:

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

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

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