

2584-S

Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Mielke, Pennington, Ogden, Boldt, Koster, Carlson, Sump, DeBolt, B. Thomas, Hatfield, Doumit, Carrell, Mulliken, Zellinsky, Alexander, Clements, Benson, Reams and Dunn)

Brief Title: Requiring possession for twenty years before an adverse possession claim may be brought.

HB 2584-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that the prevailing party in any proceeding concerning adverse possession of real property must pay to the county auditor of the county in which the real property is located an amount equal to the property taxes paid by another party or owed with regard to the real property during the period of the adverse possession. The county auditor shall reimburse any party to the proceeding other than the prevailing party for any taxes actually paid with regard to the real property during the period of the adverse possession.

Provides that, in an action claiming adverse possession, continuity of possession for the requisite time limit is not established by privity between successive occupants holding adversely to the holder of the true title, unless the interest passed to the plaintiff pursuant to a will or by intestate succession.

Provides that, in any action involving adverse possession, it shall be an absolute defense to any claim of adverse possession, if proved by a preponderance of the evidence, that the person asserting adverse possession originally entered onto the land with the intent to acquire fee title or use rights in the property.