
HOUSE BILL 1038

State of Washington 56th Legislature 1999 Regular Session

By Representative Skinner

Read first time 01/12/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to adverse possession and prescriptive easements;
2 amending RCW 4.16.020; adding a new section to chapter 4.16 RCW; and
3 repealing RCW 7.28.010, 7.28.050, 7.28.060, 7.28.070, 7.28.080,
4 7.28.085, 7.28.090, 7.28.100, 7.28.110, 7.28.120, 7.28.130, 7.28.140,
5 7.28.150, 7.28.160, 7.28.170, 7.28.180, 7.28.190, 7.28.200, 7.18.210,
6 7.28.220, 7.28.230, 7.28.240, 7.28.250, 7.28.260, 7.28.270, 7.28.280,
7 7.28.300, 7.28.310, and 7.28.320.

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

9 **Sec. 1.** RCW 4.16.020 and 1994 c 189 s 2 are each amended to read
10 as follows:

11 The period prescribed for the commencement of actions shall be as
12 follows:

13 Within ten years:

14 (1) ~~((For actions for the recovery of real property, or for the~~
15 ~~recovery of the possession thereof; and no action shall be maintained~~
16 ~~for such recovery unless it appears that the plaintiff, his or her~~
17 ~~ancestor, predecessor or grantor was seized or possessed of the~~
18 ~~premises in question within ten years before the commencement of the~~
19 ~~action.~~

1 ~~(2)~~) For an action upon a judgment or decree of any court of the
2 United States, or of any state or territory within the United States,
3 or of any territory or possession of the United States outside the
4 boundaries thereof, or of any extraterritorial court of the United
5 States, unless the ten-year period is extended in accordance with RCW
6 6.17.020(3).

7 ~~((3))~~ (2) Of the eighteenth birthday of the youngest child named
8 in the order for whom support is ordered for an action to collect past
9 due child support that has accrued under an order entered after July
10 23, 1989, by any of the above-named courts or that has accrued under an
11 administrative order as defined in RCW 74.20A.020(6), which is issued
12 after July 23, 1989.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.16 RCW
14 to read as follows:

15 An action to recover real property, or to recover the possession of
16 real property, must be commenced within twenty years. The action may
17 not be maintained unless it appears that the plaintiff, or the
18 plaintiff's ancestor, predecessor, or grantor, was seized or possessed
19 of the premises in question within twenty years before commencing the
20 action.

21 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
22 repealed:

23 (1) RCW 7.28.010 and 1911 c 83 s 1, 1890 c 72 s 1, Code 1881 s 536,
24 1879 p 134 s 1, 1877 p 112 s 540, 1869 p 128 s 488, & 1854 p 205 s 398;

25 (2) RCW 7.28.050 and 1893 c 11 s 1;

26 (3) RCW 7.28.060 and 1893 c 11 s 2;

27 (4) RCW 7.28.070 and 1893 c 11 s 3;

28 (5) RCW 7.28.080 and 1893 c 11 s 4;

29 (6) RCW 7.28.085 and 1998 c 57 s 1;

30 (7) RCW 7.28.090 and 1977 ex.s. c 80 s 7, 1971 ex.s. c 292 s 7, &
31 1893 c 11 s 5;

32 (8) RCW 7.28.100 and 1893 c 11 s 6;

33 (9) RCW 7.28.110 and Code 1881 s 537, 1877 p 112 s 541, & 1869 p
34 128 s 489;

35 (10) RCW 7.28.120 and Code 1881 s 538, 1879 p 134 s 2, 1877 p 113
36 s 542, & 1869 p 128 s 490;

1 (11) RCW 7.28.130 and Code 1881 s 539, 1877 p 113 s 543, & 1869 p
2 129 s 491;
3 (12) RCW 7.28.140 and Code 1881 s 540, 1877 p 113 s 544, & 1869 p
4 129 s 492;
5 (13) RCW 7.28.150 and Code 1881 s 541, 1877 p 113 s 545, & 1869 p
6 129 s 493;
7 (14) RCW 7.28.160 and 1903 c 137 s 1;
8 (15) RCW 7.28.170 and 1903 c 137 s 2;
9 (16) RCW 7.28.180 and 1903 c 137 s 3;
10 (17) RCW 7.28.190 and Code 1881 s 542, 1877 p 114 s 546, & 1869 p
11 130 s 494;
12 (18) RCW 7.28.200 and Code 1881 s 543, 1877 p 114 s 547, & 1869 p
13 130 s 495;
14 (19) RCW 7.28.210 and Code 1881 s 544, 1877 p 114 s 548, & 1869 p
15 130 s 496;
16 (20) RCW 7.28.220 and Code 1881 s 545, 1877 p 114 s 549, & 1869 p
17 130 s 497;
18 (21) RCW 7.28.230 and 1991 c 188 s 1, 1989 c 73 s 1, 1969 ex.s. c
19 122 s 1, Code 1881 s 546, 1877 p 114 s 550, & 1869 p 130 s 498;
20 (22) RCW 7.28.240 and Code 1881 s 547, 1877 p 114 s 551, & 1869 p
21 130 s 499;
22 (23) RCW 7.28.250 and Code 1881 s 548, 1877 p 114 s 552, & 1869 p
23 131 s 500;
24 (24) RCW 7.28.260 and 1909 c 35 s 1, Code 1881 s 549, 1877 p 114 s
25 553, & 1869 p 131 s 501;
26 (25) RCW 7.28.270 and Code 1881 s 550, 1877 p 115 s 554, & 1869 p
27 131 s 502;
28 (26) RCW 7.28.280 and Code 1881 s 551, 1877 p 116 s 556, & 1869 p
29 132 s 504;
30 (27) RCW 7.28.300 and 1998 c 295 s 17 & 1937 c 124 s 1;
31 (28) RCW 7.28.310 and 1929 c 100 s 1; and
32 (29) RCW 7.28.320 and 1929 c 100 s 2.

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