

**RCW 76.09.390 Sale of land or timber rights with continuing obligations—Notice—Failure to notify—Exemption.** (1) Except as provided in subsection (2) of this section, prior to the sale or transfer of land or perpetual timber rights subject to continuing forestland obligations under the forest practices rules adopted under RCW 76.09.370, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forestland obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forestland obligation, the seller shall pay the buyer's costs related to such continuing forestland obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forestland obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forestland obligation, that the seller did not notify the buyer of the continuing forestland obligation prior to sale.

(2) Subsection (1) of this section does not apply to checklist road maintenance and abandonment plans created by RCW 76.09.420. [2003 c 311 s 6; 1999 sp.s. c 4 s 707.]

**Findings—Effective date—2003 c 311:** See notes following RCW 76.09.020.

**Part headings not law—1999 sp.s. c 4:** See note following RCW 77.85.180.