
ENGROSSED SUBSTITUTE HOUSE BILL 1026

State of Washington

62nd Legislature

2011 Regular Session

By House Judiciary (originally sponsored by Representatives Rolfes, Orcutt, Carlyle, Blake, Angel, and McCune)

READ FIRST TIME 01/21/11.

1 AN ACT Relating to adverse possession; adding new sections to
2 chapter 7.28 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.28 RCW
5 to read as follows:

6 (1) In an action asserting title to real property by adverse
7 possession, the person asserting the claim must prove each element of
8 the claim by clear, cogent, and convincing evidence.

9 (2) The prevailing party in an action asserting title to real
10 property by adverse possession may request the court to award costs and
11 reasonable attorneys' fees. The court may award all or a portion of
12 costs and reasonable attorneys' fees to the prevailing party if, after
13 considering all the facts, the court determines such an award is
14 equitable and just.

15 (3) This section does not apply to claims of adverse possession
16 brought under RCW 7.28.050, 7.28.070, or 7.28.085.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.28 RCW
18 to read as follows:

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

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

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

14 (2) If the court orders reimbursement for taxes or assessments paid
15 or payment of taxes or assessments due under subsection (1) of this
16 section, the court shall determine how to allocate taxes or assessments
17 between the property acquired by adverse possession and the property
18 retained by the title holder. In making its determination, the court
19 shall consider all the facts and shall order such reimbursement or
20 payment as appears equitable and just.

21 NEW SECTION. **Sec. 3.** This act applies to actions filed on or
22 after July 1, 2012.

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