
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 involving a claim asserting title to real property
7 by adverse possession, the person asserting the claim must prove each
8 element of the claim by clear, cogent, and convincing evidence.

9 (2) In an action involving a claim asserting title to real property
10 by adverse possession, the person asserting the claim of adverse
11 possession may be required to pay the costs and reasonable attorney
12 fees of the party defending against the claim of adverse possession if,
13 considering all the facts, the fact finder determines that such an
14 award is appropriate in order to do justice between the parties.

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 on a claim of adverse possession of real
2 property against the holder of record title to the real property at the
3 time the action involving the claim was filed or against a subsequent
4 purchaser from such holder may be required to:

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

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

15 (2) The fact finder shall determine what, if any, reimbursement
16 and/or payment of taxes and assessments under this section is
17 appropriate in order to do justice between the parties.

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

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