

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1026

Chapter 255, Laws of 2011

62nd Legislature
2011 Regular Session

ADVERSE POSSESSION

EFFECTIVE DATE: 07/22/11

Passed by the House April 21, 2011
Yeas 96 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 21, 2011
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 5, 2011, 9:56 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1026** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 6, 2011

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1026

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

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 a new section 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) A party who prevails against the holder of record title at the
7 time an action asserting title to real property by adverse possession
8 was filed, or against a subsequent purchaser from such holder, may be
9 required to:

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

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

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

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

14 NEW SECTION. **Sec. 2.** This act applies to actions filed on or
15 after July 1, 2012.

Passed by the House April 21, 2011.

Passed by the Senate April 21, 2011.

Approved by the Governor May 5, 2011.

Filed in Office of Secretary of State May 6, 2011.