



Real Estate

Q: What should I do if a survey of the property I wish to buy or sell reveals a discrepancy between the surveyed boundary line and the line established by a fence or other physical improvement on the ground, like a rockery or retaining wall?

A: This is a relatively common situation, and fortunately, courts have developed a well-established approach to address it. Specifically, under Washington's doctrine of "mutual recognition and acquiescence," the boundary line may be established by the fence rather than the surveyed line, if the fence forms a defined line, has been in place for more than 10 years, and the parties have generally recognized it as the property line during that time. If it appears this doctrine applies, and the discrepancy is a concern, you can consider negotiating a Quitclaim Deed with the neighbor to confirm the correct property line prior to closing.

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