

CHAPTER 35.

[S. B. 48.]

RELATING TO ACTION TO RECOVER REAL PROPERTY.

AN ACT relating to actions brought to recover possession of real property and amending section 5518 of Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 5518 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 5518. In an action to recover possession of real property, the judgment rendered therein shall be conclusive as to the estate in such property and the right of possession thereof, so far as the same is thereby determined, upon all persons claiming by, through, or under the party against whom the judgment is rendered, by title or interest passing after the commencement of the action, if the party in whose favor the judgment is rendered shall have filed a notice of the pendency of the action as required by section 4887, 2 Ballinger's Annotated Codes and Statutes of Washington. When service of the notice is made by publication, and judgment is given for failure to answer, at any time within two years from the entry thereof, the defendant or his successor in interest as to the whole or any part of the property, shall, upon application to the court or judge thereof, be entitled to an order, vacating the judgment and granting him a new trial, upon the payment of the costs of the action.

[Am'd. §5518, Bal.]

Judgment conclusive, when.

§ 4887 Bal.

New trial, when.

Passed by the Senate February 4, 1909.

Passed by the House February 24, 1909.

Approved March 2, 1909.