

5495

Sponsor(s): Senator Heavey

Brief Title: Restricting claims of adverse possession.

SB 5495 - DIGEST

Provides that, where there has been an actual continued occupation of lands or tenements, or a portion of them, by a person or persons other than the holder of the title of record to those lands or tenements, not founded upon any written instrument, such an occupation is presumed to be with the consent of the holder of the record title to those lands or tenements, and is not presumed to be adverse to the holder of the title of record.

Declares that the presumption may be overcome only by clear and convincing evidence that: (1) Substantial improvements have been made or erected on the land claimed; or

(2) it has been protected by a substantial enclosure for a period of ten years or more.