

2007

Sponsor(s): Representatives Mielke and Pennington

Brief Title: Requiring possession for twenty years before an adverse possession claim may be brought.

HB 2007 - DIGEST

Provides that, in any action involving adverse possession:
(1) It shall be an absolute defense to any claim of adverse possession, if proved by a preponderance of the evidence, that the person asserting adverse possession originally entered onto the land with the intent to acquire fee title or use rights in the property.

(2) The person asserting adverse possession must show a clearly identified boundary line demonstrating his or her use of the land for the period of limitations.

(3) If the landowner gave written notice, by certified mail to the person claiming adverse possession, that the landowner is aware of the trespass at any time during the statutory period of limitations, any use of the land subsequent to the date of notice by the person asserting adverse possession, or anyone else residing at the address where the notice was sent, shall be deemed to be permissive as of the date of the notice.