



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 08/28/2006 (Per: PJK)



 Appendix A ... Part 01 of 01

 The 2005 drafting file for LRB 05-4840

has been transferred to the drafting file for

2007 LRB 07-0025

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: **03/20/2006**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Sheridan (608) 266-7503**

By/Representing: **Tom Kelly**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Adl. Drafters:

Subject: **Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sheridan@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Limit adverse possession time to current landowner

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 04/06/2006	jdyer 04/07/2006		_____			
/P1			rschluet 04/07/2006	_____	mbarman 04/07/2006		Local
/P2	pkahler 04/12/2006	jdyer 04/14/2006	jfrantze 04/14/2006	_____	sbasford 04/14/2006		

FE Sent For:

<END>

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Bill

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Addl. Drafters:

Subject: Real Estate - miscellaneous

Extra Copies:

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/?	pkahler 04/06/2006	jdyer 04/07/2006		_____			
/P1		P2 4/13 jd	rschluet 04/07/2006	_____	mbarman 04/07/2006		

FE Sent For:

Handwritten signatures and dates: 4/14, 4/13, and <END>

2005 DRAFTING REQUEST

Bill

Received: 03/20/2006

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/?

pkahler

PI 4/7 jld

JS
476

FE Sent For:

<END>

Kahler, Pam

From: Kelly, Tom
Sent: Monday, March 20, 2006 10:48 AM
To: Kahler, Pam
Subject: Rep. Sheridan drafting request

Hi Pam.

My boss would like to introduce legislation next session to address a problem that a constituent had with Wisconsin's adverse possession law.

The constituent bought property in a rural area with the intent to build a home on that property. He made his decision to buy that land based on the survey stakes that marked the property line. He did not know that the neighbor of the property had been considering claiming some of the property through adverse possession. That neighbor had been maintaining a portion of the property since the late 1960s.

In any case, the constituent bought the property about six years ago and was preparing to finally start building his dream home. Then, the neighbor filed an adverse possession claim on a portion of the property based on her "possession of the property for the last 35+ years.

My boss would like to introduce legislation to prohibit an individual from claiming adverse possession on property prior to the last transfer of that property. In other words, adverse possession could only be claimed against the current owner. Years of "possession" while under the ownership of a previous owner would simply not count. If a person has a claim of adverse possession, they would have to make that claim against a single owner.

Again, my boss won't be introducing this until next session. However, if you could prepare a draft for my boss to share with some real estate attorneys in the next few weeks, it would be greatly appreciated.

Thank you very much for your help. If you have any questions, please let me know.

Tom Kelly
Office of Rep. Sheridan
State Capitol, 412-North
608-266-7503



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4840/2

PJK:.....

PI
Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D. note
(by Wad, the (2005))
you cut

1 AN ACT ...; relating to: limiting the adverse possession period to the current
2 property owner.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 893.25 (1m) of the statutes is created to read:
4 893.25 (1m) Notwithstanding sub. (1), all of the following apply: ✓
5 (a) An action for the recovery or the possession of real estate that is commenced
6 on or after the effective date of this paragraph ✓.... [revisor inserts date], is barred only
7 if a person currently holding title to the real estate has held title for the full 20 ✓ years
8 during which the real estate was uninterruptedly adversely possessed.
9 (b) A defense or counterclaim ✓ based on title to real estate that is made in an
10 action commenced on or after the effective date of this paragraph [revisor inserts

1 date], is barred only if a person currently holding title to the real estate has held title
2 for the full 20 years during which the real estate was uninterruptedly adversely
3 possessed.

4 (c) On or after the effective date of this paragraph [revisor inserts date], a
5 person may commence an action to establish title to real estate under ch. 841 only if
6 a person currently holding title to the real estate has held title for the full 20 years
7 during which the real estate was uninterruptedly adversely possessed.

8 **SECTION 2.** 893.26 (1m) of the statutes is created to read:

9 893.26 (1m) Notwithstanding sub. (1), all of the following apply:

10 (a) An action for the recovery or the possession of real estate that is commenced
11 on or after the effective date of this paragraph [revisor inserts date], is barred only
12 if a person currently holding title to the real estate has held title for the full 10 years
13 during which the real estate was uninterruptedly adversely possessed.

14 (b) A defense or counterclaim based on title to real estate that is made in an
15 action commenced on or after the effective date of this paragraph [revisor inserts
16 date], is barred only if a person currently holding title to the real estate has held title
17 for the full 10 years during which the real estate was uninterruptedly adversely
18 possessed.

19 (c) On or after the effective date of this paragraph [revisor inserts date], a
20 person may commence an action to establish title to real estate under ch. 841 only if
21 a person currently holding title to the real estate has held title for the full 10 years
22 during which the real estate was uninterruptedly adversely possessed.

23 **SECTION 3.** 893.27 (1m) of the statutes is created to read:

24 893.27 (1m) Notwithstanding sub. (1), all of the following apply:

1 (a) An action for the recovery or the possession of real estate that is commenced
2 on or after the effective date of this[✓] paragraph [revisor inserts date], is barred only
3 if a person currently holding title to the real estate has held title for the[✓] full 7 years
4 during which the real estate was uninterruptedly adversely possessed.

5 (b) A defense or counterclaim based on title to real estate that is made in an
6 action commenced on or after the effective date of this paragraph [revisor inserts
7 date],[✓] is barred only if a person currently holding title to the real estate has held title
8 for the full 7 years during which the real estate was uninterruptedly adversely
9 possessed.

10 (c) On or after the effective date of this paragraph[✓] [revisor inserts date], a
11 person may commence an action to establish title to real estate under ch. 841 only
12 if a person currently holding title to the real estate has held title for the full 7 years
13 during which the real estate was uninterruptedly adversely possessed.

14 (END)

D - note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4840/dn

PJK:.....

PI
Jld

This draft does not address[✓] prescriptive rights (easements) under s. 893.28. It addresses only adverse possession. Is this what you want?

This draft affects adverse possession under ss. 893.25 (not based on written instrument), 893.26 (based on written instrument), and 893.27 (based on recorded title claim and payment of taxes). Your constituent example was most likely the situation under s. 893.25. Do you want the draft limited to s. 893.25?

Do you want to change the number of years for which a person must adversely possess real property? Twenty years may be an unreasonably long time if all of it must occur during the time that the same person owns a particular piece of property. Under the draft, essentially, any adverse possession claim that is "accruing" is extinguished upon the sale of the property that is being adversely possessed.

Note that this draft only requires the adverse possession to be *against* the same person(s) and does not require the person(s) adversely possessing to be the same person(s). Is this your intent? Currently, different persons over time may adversely possess property owned by another, and the separate adverse possession periods are "tacked" together to equal the necessary number of years (of course, the adverse possession periods must be uninterrupted, as required by the statute).

The changes in the draft generally apply to actions commenced on or after the effective date. Thus, any person who has adversely possessed property for the required time but against different owners would be out of luck if they do not file an action before the effective date. Is this your intent?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4840/P1dn

PJK:jld:rs

April 7, 2006

This draft does not address prescriptive rights (easements) under s. 893.28. It addresses only adverse possession. Is this what you want?

This draft affects adverse possession under ss. 893.25 (not based on written instrument), 893.26 (based on written instrument), and 893.27 (based on recorded title claim and payment of taxes). Your constituent example was most likely the situation under s. 893.25. Do you want the draft limited to s. 893.25?

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

4-10

based on d-vote questions,
make both parties the same
one (for all 20 years)

Tom Kelly - by phone



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4840/P2

PJK:jld:rs

rm is run
stays
"Kay" ↑

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(by Tues.
4-18)

regenerate ↓

- 1 AN ACT to create 893.25 (1m), 893.26 (1m) and 893.27 (1m) of the statutes;
- 2 relating to: limiting the adverse possession period to the current property
- 3 owner.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Insert
A →

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 893.25 (1m) of the statutes is created to read:
- 5 893.25 (1m) Notwithstanding sub. (1), all of the following apply:
- 6 (a) An action for the recovery or the possession of real estate that is commenced
- 7 on or after the effective date of this paragraph ... [revisor inserts date], is barred only
- 8 if a person currently holding title to the real estate has held title for the full 20 years
- 9 during which the real estate was uninterruptedly adversely possessed.
- 10 (b) A defense or counterclaim based on title to real estate that is made in an
- 11 action commenced on or after the effective date of this paragraph [revisor inserts

Insert 1-7

1 date], is barred only if a person currently holding title to the real estate has held title
2 for the full 20 years during which the real estate was uninterruptedly adversely
3 possessed.

4 (c) On or after the effective date of this paragraph [revisor inserts date], a
5 person may commence an action to establish title to real estate under ch. 841 only
6 if a person currently holding title to the real estate has held title for the full 20 years
7 during which the real estate was uninterruptedly adversely possessed.

8 **SECTION 2.** 893.26 (1m) of the statutes is created to read:

9 893.26 (1m) Notwithstanding sub. (1), all of the following apply:

10 (a) An action for the recovery or the possession of real estate that is commenced
11 on or after the effective date of this paragraph [revisor inserts date], is barred only
12 if a person currently holding title to the real estate has held title for the full 10 years
13 during which the real estate was uninterruptedly adversely possessed.

14 (b) A defense or counterclaim based on title to real estate that is made in an
15 action commenced on or after the effective date of this paragraph [revisor inserts
16 date], is barred only if a person currently holding title to the real estate has held title
17 for the full 10 years during which the real estate was uninterruptedly adversely
18 possessed.

19 (c) On or after the effective date of this paragraph [revisor inserts date], a
20 person may commence an action to establish title to real estate under ch. 841 only
21 if a person currently holding title to the real estate has held title for the full 10 years
22 during which the real estate was uninterruptedly adversely possessed.

23 **SECTION 3.** 893.27 (1m) of the statutes is created to read:

24 893.27 (1m) Notwithstanding sub. (1), all of the following apply:

Insert 2-7

Insert 1-7

Insert 2-11

Insert 2-22

Insert 2-11

Insert 3-2

Insert 3-2

1 (a) An action for the recovery or the possession of real estate that is commenced
2 on or after the effective date of this paragraph [revisor inserts date], is barred only
3 if a person currently holding title to the real estate has held title for the full 7 years
4 during which the real estate was uninterruptedly adversely possessed.

5 (b) A defense or counterclaim based on title to real estate that is made in an
6 action commenced on or after the effective date of this paragraph [revisor inserts
7 date], is barred only if a person currently holding title to the real estate has held title
8 for, the full 7 years during which the real estate was uninterruptedly adversely
9 possessed.

10 (c) On or after the effective date of this paragraph [revisor inserts date], a
11 person may commence an action to establish title to real estate under ch. 841 only
12 if a person currently holding title to the real estate has held title for the full 7 years
13 during which the real estate was uninterruptedly adversely possessed.

14 (END)

Insert 3-13 ✓

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4840/P2ins
PJK:ldas

INSERT A

Under current law, a party who does not have actual legal title to real property, but who occupies, uses, or maintains the property for a specified, uninterrupted period of time under a claim of title may, in a court action, establish title to the property against the true legal owner of the property. This process is known as adverse possession. Generally, the adversely possessed property must be enclosed (by a fence, for example) and cultivated or improved.

If the adverse possessor's claim of title is not based on a written instrument or court judgment, the property must be adversely possessed uninterruptedly for 20 years for title to be established in the adverse possessor. If the adverse possessor's claim of title is based on a recorded written instrument or court judgment, the property must be adversely possessed uninterruptedly for 10 years. If the adverse possessor's claim of title is based on a recorded written instrument or court judgment and the adverse possessor has paid the real estate taxes on the property for the entire time of adverse possession, the property must be adversely possessed uninterruptedly for 7 years.

The adverse possessor need not be the same person for the entire time. The times during which property is uninterruptedly adversely possessed by any number of persons in succession are added together to reach the necessary total number of years. Likewise, the person who holds actual legal title to the property being adversely possessed need not be the same person for the entire time during which the property is adversely possessed.

Under this bill, the requirements for adverse possession of real property are retained except for the parties involved. The bill provides that a person may not establish title to property by adverse possession unless the person has adversely possessed the property himself or herself for the entire number of years required under the statute. In addition, a legal titleholder of property cannot lose title through adverse possession unless that person has held title to the property for the entire time that the property was adversely possessed. Thus, for example, if title to property that is being adversely possessed is transferred to another person before the full number of years have elapsed, the adverse possession time must start over against the new titleholder.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

(END OF INSERT A)

INSERT 3-13

- 1 SECTION 1. 893.25 (1) of the statutes is amended to read:
2 893.25 (1) ~~An~~ Subject to sub. (1m) (a) and (b), an action for the recovery or the
3 possession of real estate and a defense or counterclaim based on title to real estate

Ins 3-13 contd

1 are barred by uninterrupted adverse possession of 20 years, except as provided by
2 s. 893.14 and 893.29. ~~Subject to sub. (1m) (c), a person who, in connection with his~~
3 ~~or her predecessors in interest,~~ is in uninterrupted adverse possession of real estate
4 for 20 years, except as provided by s. 893.29, may commence an action to establish
5 title under ch. 841.

History: 1979 c. 323.

6 **SECTION 2.** 893.25 (1m) of the statutes is created to read:

7 893.25 (1m) All of the following apply to sub. (1):

8 (a) An action for the recovery or the possession of real estate that is commenced
9 on or after the effective date of this paragraph [revisor inserts date], is barred only
10 if both of the following are satisfied:

11 1. The same person or persons adversely possessed the real estate for the full
12 20 years during which the real estate was uninterruptedly adversely possessed.

13 2. A person currently holding title to the real estate has held title for the full
14 20 years during which the real estate was uninterruptedly adversely possessed.

15 (b) A defense or counterclaim based on title to real estate that is made in an
16 action commenced on or after the effective date of this paragraph [revisor inserts
17 date], is barred only if par. (a) 1. and 2. are satisfied.

18 (c) On or after the effective date of this paragraph [revisor inserts date], a
19 person may commence an action to establish title to real estate under ch. 841 only
20 if par. (a) 1. and 2. are satisfied.

21 **SECTION 3.** 893.25 (2) (a) of the statutes is amended to read:



Ins 3-13 contd

1 893.25 (2) (a) Only if the person possessing it, ~~in connection with his or her~~
2 ~~predecessors in interest~~, is in actual continued occupation under claim of title,
3 exclusive of any other right; and

History: 1979 c. 323.

4 **SECTION 4.** 893.26 (1) [✓] of the statutes is amended to read:

5 893.26 (1) ~~An~~ Subject to sub. (1m) (a) and (b), [✓] an action for the recovery or the
6 possession of real estate and a defense or counterclaim based upon title to real estate
7 are barred by uninterrupted adverse possession of 10 years, except as provided by
8 s. 893.14 and 893.29. ~~Subject to sub. (1m) (c)~~, [✓] a person who ~~in connection with his~~
9 ~~or her predecessors in interest~~ is in uninterrupted adverse possession of real estate
10 for 10 years, except as provided by s. 893.29, may commence an action to establish
11 title under ch. 841.

History: 1979 c. 323; 1981 c. 314; 1997 a. 254.

12 **SECTION 5.** 893.26 (1m) [✓] of the statutes is created to read:

13 893.26 (1m) All of the following apply to sub. (1): [✓]

14 (a) An action for the recovery or the possession of real estate that is commenced
15 on or after the effective date of this [✓] paragraph ... [revisor inserts date], is barred only
16 if both of the following are satisfied:

17 1. The same person or persons adversely possessed the real estate for the full
18 [✓]10 years during which the real estate was uninterruptedly adversely possessed.

19 2. A person currently holding title to the real estate has held title for the full
20 10 years during which the real estate was uninterruptedly adversely possessed.

21 (b) A defense or counterclaim based on title to real estate that is made in an
22 action commenced on or after the effective date of this paragraph [✓] ... [revisor inserts
23 date], is barred only if par. [✓](a) 1. and 2. are satisfied.



Ins 3-13 contd

1 (c) On or after the effective date of this paragraph [revisor inserts date], a
2 person may commence an action to establish title to real estate under ch. 841 only
3 if par. (a) 1. and 2. are satisfied.

4 **SECTION 6.** 893.26 (2) (a) ^X of the statutes is amended to read:

5 893.26 (2) (a) The person possessing the real estate [✓] or his or her predecessor
6 in interest, originally entered into possession of the real estate under a good faith
7 claim of title, exclusive of any other right, founded upon a written instrument as a
8 conveyance of the real estate or upon a judgment of a competent court;

9 History: 1979 c. 323; 1981 c. 314; 1997 a. 254.

9 **SECTION 7.** 893.26 (2) (c) ^X of the statutes is amended to read:

10 893.26 (2) (c) The person possessing the real estate, ~~in connection with his or~~
11 ~~her predecessors in interest~~, [✓] is in actual continued occupation of all or a material
12 portion of the real estate described in the written instrument or judgment after the
13 original entry as provided by par. (a), under claim of title, exclusive of any other right.

14 History: 1979 c. 323; 1981 c. 314; 1997 a. 254.

14 **SECTION 8.** 893.27 (1) [✓] of the statutes is amended to read:

15 893.27 (1) An Subject to sub. (1m) (a) and (b), [✓] an action for the recovery or the
16 possession of real estate and a defense or counterclaim based upon title to real estate
17 are barred by uninterrupted adverse possession of 7 years, except as provided by s.
18 893.14 or 893.29. ~~A~~ [✓] Subject to sub. (1m) (c), a person who ~~in connection with his or~~
19 ~~her predecessors in interest~~ is in uninterrupted adverse possession of real estate for
20 7 years, except as provided by s. 893.29, may commence an action to establish title
21 under ch. 841.

22 History: 1979 c. 323.

22 **SECTION 9.** 893.27 (1m) [✓] of the statutes is created to read:

23 893.27 (1m) All of the following apply to sub. (1):



Ins 3-13 contd

1 (a) An action for the recovery or the possession of real estate that is commenced
2 on or after the effective date of this paragraph[✓].... [revisor inserts date], is barred only
3 if both of the following are satisfied:

4 1. The same person or persons adversely possessed the real estate for the full
5 [✓]7 years during which the real estate was uninterruptedly adversely possessed.

6 2. A person currently holding title to the real estate has held title for the full
7 [✓]7 years during which the real estate was uninterruptedly adversely possessed.

8 (b) A defense or counterclaim based on title to real estate that is made in an
9 action commenced on or after the effective date of this paragraph[✓].... [revisor inserts
10 date], is barred only if par. (a)[✓] 1. and 2. are satisfied.

11 (c) On or after the effective date of this paragraph [revisor inserts date], a
12 person may commence an action to establish title to real estate under ch. 841 only
13 if par. (a) 1. and 2.[✓] are satisfied.

14 **SECTION 10.** 893.27 (2) (b)[✓] of the statutes is amended to read:

15 893.27 (2) (b) The person possessing it[✓] ~~or his or her predecessor in interest~~ pays
16 all real estate taxes, or other taxes levied, or payments required, in lieu of real estate
17 taxes for the 7-year period after the original entry.

History: 1979 c. 323.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 893.25 (1), 893.25 (2) (a), 893.26 (1), 893.26 (2) (a), 893.26 (2)
2 (c), 893.27 (1) and 893.27 (2) (b); and **to create** 893.25 (1m), 893.26 (1m) and
3 893.27 (1m) of the statutes; **relating to:** limiting adverse possession.

Analysis by the Legislative Reference Bureau

Under current law, a party who does not have actual legal title to real property, but who occupies, uses, or maintains the property for a specified, uninterrupted period of time under a claim of title may, in a court action, establish title to the property against the true legal owner of the property. This process is known as adverse possession. Generally, the adversely possessed property must be enclosed (by a fence, for example) and cultivated or improved.

If the adverse possessor's claim of title is not based on a written instrument or court judgment, the property must be adversely possessed uninterruptedly for 20 years for title to be established in the adverse possessor. If the adverse possessor's claim of title is based on a recorded written instrument or court judgment, the property must be adversely possessed uninterruptedly for ten years. If the adverse possessor's claim of title is based on a recorded written instrument or court judgment and the adverse possessor has paid the real estate taxes on the property for the entire time of adverse possession, the property must be adversely possessed uninterruptedly for seven years.

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adversely possessed need not be the same person for the entire time during which the property is adversely possessed.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 893.25 (1) of the statutes is amended to read:

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3 possession of real estate and a defense or counterclaim based on title to real estate
4 are barred by uninterrupted adverse possession of 20 years, except as provided by
5 s. 893.14 and 893.29. ~~A Subject to sub. (1m) (c), a person who, in connection with~~
6 ~~his or her predecessors in interest,~~ is in uninterrupted adverse possession of real
7 estate for 20 years, except as provided by s. 893.29, may commence an action to
8 establish title under ch. 841.

9 **SECTION 2.** 893.25 (1m) of the statutes is created to read:

10 893.25 (1m) All of the following apply to sub. (1):

11 (a) An action for the recovery or the possession of real estate that is commenced
12 on or after the effective date of this paragraph [revisor inserts date], is barred only
13 if both of the following are satisfied:

1 1. The same person or persons adversely possessed the real estate for the full
2 20 years during which the real estate was uninterrupted adversely possessed.

3 2. A person currently holding title to the real estate has held title for the full
4 20 years during which the real estate was uninterrupted adversely possessed.

5 (b) A defense or counterclaim based on title to real estate that is made in an
6 action commenced on or after the effective date of this paragraph [revisor inserts
7 date], is barred only if par. (a) 1. and 2. are satisfied.

8 (c) On or after the effective date of this paragraph [revisor inserts date], a
9 person may commence an action to establish title to real estate under ch. 841 only
10 if par. (a) 1. and 2. are satisfied.

11 **SECTION 3.** 893.25 (2) (a) of the statutes is amended to read:

12 893.25 (2) (a) Only if the person possessing it, ~~in connection with his or her~~
13 ~~predecessors in interest~~, is in actual continued occupation under claim of title,
14 exclusive of any other right; and

15 **SECTION 4.** 893.26 (1) of the statutes is amended to read:

16 893.26 (1) ~~An~~ Subject to sub. (1m) (a) and (b), an action for the recovery or the
17 possession of real estate and a defense or counterclaim based upon title to real estate
18 are barred by uninterrupted adverse possession of 10 years, except as provided by
19 s. 893.14 and 893.29. ~~A~~ Subject to sub. (1m) (c), a person who in connection with
20 ~~his or her predecessors in interest~~ is in uninterrupted adverse possession of real
21 estate for 10 years, except as provided by s. 893.29, may commence an action to
22 establish title under ch. 841.

23 **SECTION 5.** 893.26 (1m) of the statutes is created to read:

24 893.26 (1m) All of the following apply to sub. (1):

1 (a) An action for the recovery or the possession of real estate that is commenced
2 on or after the effective date of this paragraph [revisor inserts date], is barred only
3 if both of the following are satisfied:

4 1. The same person or persons adversely possessed the real estate for the full
5 10 years during which the real estate was uninterruptedly adversely possessed.

6 2. A person currently holding title to the real estate has held title for the full
7 10 years during which the real estate was uninterruptedly adversely possessed.

8 (b) A defense or counterclaim based on title to real estate that is made in an
9 action commenced on or after the effective date of this paragraph [revisor inserts
10 date], is barred only if par. (a) 1. and 2. are satisfied.

11 (c) On or after the effective date of this paragraph [revisor inserts date], a
12 person may commence an action to establish title to real estate under ch. 841 only
13 if par. (a) 1. and 2. are satisfied.

14 **SECTION 6.** 893.26 (2) (a) of the statutes is amended to read:

15 893.26 (2) (a) The person possessing the real estate ~~or his or her predecessor~~
16 ~~in interest~~, originally entered into possession of the real estate under a good faith
17 claim of title, exclusive of any other right, founded upon a written instrument as a
18 conveyance of the real estate or upon a judgment of a competent court;

19 **SECTION 7.** 893.26 (2) (c) of the statutes is amended to read:

20 893.26 (2) (c) The person possessing the real estate, ~~in connection with his or~~
21 ~~her predecessors in interest~~, is in actual continued occupation of all or a material
22 portion of the real estate described in the written instrument or judgment after the
23 original entry as provided by par. (a), under claim of title, exclusive of any other right.

24 **SECTION 8.** 893.27 (1) of the statutes is amended to read:

1 893.27 (1) ~~An~~ Subject to sub. (1m) (a) and (b), an action for the recovery or the
2 possession of real estate and a defense or counterclaim based upon title to real estate
3 are barred by uninterrupted adverse possession of 7 years, except as provided by s.
4 893.14 or 893.29. ~~A~~ Subject to sub. (1m) (c), a person who in connection with his or
5 ~~her predecessors in interest~~ is in uninterrupted adverse possession of real estate for
6 7 years, except as provided by s. 893.29, may commence an action to establish title
7 under ch. 841.

8 **SECTION 9.** 893.27 (1m) of the statutes is created to read:

9 893.27 (1m) All of the following apply to sub. (1):

10 (a) An action for the recovery or the possession of real estate that is commenced
11 on or after the effective date of this paragraph ... [revisor inserts date], is barred only
12 if both of the following are satisfied:

13 1. The same person or persons adversely possessed the real estate for the full
14 7 years during which the real estate was uninterruptedly adversely possessed.

15 2. A person currently holding title to the real estate has held title for the full
16 7 years during which the real estate was uninterruptedly adversely possessed.

17 (b) A defense or counterclaim based on title to real estate that is made in an
18 action commenced on or after the effective date of this paragraph ... [revisor inserts
19 date], is barred only if par. (a) 1. and 2. are satisfied.

20 (c) On or after the effective date of this paragraph ... [revisor inserts date], a
21 person may commence an action to establish title to real estate under ch. 841 only
22 if par. (a) 1. and 2. are satisfied.

23 **SECTION 10.** 893.27 (2) (b) of the statutes is amended to read:

