



## 2007 ASSEMBLY BILL 285

April 23, 2007 - Introduced by Representatives BIES, HUEBSCH, SHERIDAN, GUNDERSON, JESKEWITZ, MURSAU and HAHN. Referred to Committee on Property Rights.

- 1     **AN ACT to create** 841.10 (3) of the statutes; **relating to:** requiring an adverse  
2           possessor of property to pay fair market value and property taxes.

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### *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.

This bill provides that, if a person who claims title to real property through adverse possession prevails in an action to establish title to the property, the court must determine, and order that person to pay to the person who lost title to the property, the fair market value of the property and all real estate taxes for the period

