

SENATE FILE 2212
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3115)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act abolishing the doctrine of adverse possession of real
2 property.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2212
NAT. RES. & ENVIRONMENT

1 Section 1. Section 306A.5, unnumbered paragraph 2, Code
2 2003, is amended by striking the unnumbered paragraph.

3 Sec. 2. Section 448.16, unnumbered paragraph 2, Code 2003,
4 is amended to read as follows:

5 At the expiration of the period of one hundred twenty days,
6 if no such claim has been filed, all persons shall thereafter
7 be forever barred and estopped from having or claiming any
8 right, title, or interest in the parcel adverse to the tax
9 title or purported tax title, and no action shall thereafter
10 be brought to recover the parcel, ~~and the then tax title owner~~
11 ~~or owner of the purported tax title shall also have acquired~~
12 ~~title to the parcel by adverse possession.~~

13 Sec. 3. Section 557.1, Code 2003, is amended to read as
14 follows:

15 557.1 WHO DEEMED SEIZED.

16 All persons owning real estate ~~not held by an adverse~~
17 ~~possession~~ shall be deemed to be seized and possessed of the
18 same.

19 Sec. 4. NEW SECTION. 557.5A ADVERSE POSSESSION
20 ABOLISHED.

21 The common law doctrine of adverse possession is hereby
22 abolished and is declared not to be a part of the law of this
23 state.

24 Sec. 5. Section 589.24, Code 2003, is amended to read as
25 follows:

26 589.24 DEFECTIVE INSTRUMENTS.

27 A deed of conveyance, or other instrument purporting to
28 convey real estate within the state, where the deed or
29 instrument has been recorded in the office of the recorder of
30 any county in which the real estate is situated, and the deed
31 or instrument was executed by a county treasurer under a tax
32 sale, a sheriff under execution sale, or by a resident or
33 foreign executor, administrator, referee, receiver, trustee,
34 guardian, commissioner, individual, copartnership,
35 association, or corporation, and was executed and recorded

1 more than ten years earlier, ~~and-if-the-grantee-named-in-the~~
2 ~~deed-or-conveyance,-or-other-instrument,-or-the-grantee's~~
3 ~~heirs-or-devisees,-by-direct-line-of-title-or-conveyance-have~~
4 ~~been-in-the-actual,-open,-adverse-possession-of-the-premises~~
5 ~~since-that-date,~~ is legalized, valid, and binding,
6 notwithstanding defects in the execution of the deed or
7 instrument.

8 Sec. 6. Section 614.32, subsection 3, Code 2003, is
9 amended by striking the subsection.

10 Sec. 7. Sections 557.5 and 564.1, Code 2003, are repealed.

11 EXPLANATION

12 This bill eliminates the statutory and common law doctrine
13 of adverse possession of real property in Iowa. The doctrine
14 of adverse possession allows a person who does not have title
15 to or the right to use certain real estate to claim title to
16 or the right to use the real estate by occupying the property
17 in a hostile, actual, open, exclusive, and continuous manner
18 for at least 10 years.

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