

FILED JAN 25 2005

SENATE FILE 58 JUDICIARY  
BY MCKINLEY, BEHN, HAHN,  
and FRAISE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to an action to quiet title of real property and  
2 the doctrine of adverse possession.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

58  
JUDICIARY

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1 Section 1. NEW SECTION. 649.9 ADVERSE POSSESSION ACTION.

2 1. In an action to quiet title based upon the doctrine of  
3 adverse possession, a party claiming title shall prove by a  
4 preponderance of the evidence that the adverse possessor has  
5 been in hostile, actual, open, exclusive, and continuous  
6 possession of the real property under either claim of right or  
7 color of title for at least ten years and that the adverse  
8 possessor has paid the property taxes assessed on the real  
9 property for such a period.

10 2. For purposes of this section, "claim of right" means  
11 the actual occupation, use, and improvement of the property by  
12 the adverse possessor in such a manner as to put the  
13 titleholder of the real property on notice as to the adverse  
14 possessor's claim for possession of the real property.

15 Sec. 2. APPLICABILITY DATE. This Act applies only to an  
16 action to quiet title based upon the doctrine of adverse  
17 possession commenced on or after the effective date of this  
18 Act.

19 EXPLANATION

20 This bill relates to an action to quiet title of real  
21 property and the doctrine of adverse possession.

22 The bill provides that, in an action to quiet title based  
23 upon the doctrine of adverse possession, a party claiming  
24 title shall prove by a preponderance of the evidence that the  
25 adverse possessor has been in hostile, actual, open,  
26 exclusive, and continuous possession of the real property  
27 under either claim of right or color of title for at least 10  
28 years and that the adverse possessor has paid the property  
29 taxes assessed on the real property for such a period. For  
30 the purposes of this bill, "claim of right" means the actual  
31 occupation, use, and improvement of the property by the  
32 adverse possessor in such a manner as to put the titleholder  
33 of the real property on notice as to the adverse possessor's  
34 claim for possession of the real property.

35 The bill applies only to an action to quiet title based

1 upon the doctrine of adverse possession commenced on or after  
2 the effective date of the bill.

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