

Senate File 424 - Introduced

SENATE FILE 424
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1094)

A BILL FOR

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

1 Section 1. NEW SECTION. **649.9 Adverse possession action.**

2 1. In an action to quiet title based upon the doctrine
3 of adverse possession, a party claiming title shall prove by
4 a preponderance of the evidence that the adverse possessor
5 has been in hostile, actual, open, exclusive, and continuous
6 possession of the real property under either claim of right
7 or 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 the period of possession.

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

15 Sec. 2. **APPLICABILITY.** This Act applies to actions to quiet
16 title based upon the doctrine of adverse possession commenced
17 on or after July 1, 2017.

18 **EXPLANATION**

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

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

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

S.F. 424

1 The bill applies to actions to quiet title based upon the
2 doctrine of adverse possession commenced on or after July 1,
3 2017.