

**Senate Study Bill 1094 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

**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. \_\_\_\_\_

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.