

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Molinaro

5

6

7

A Bill

HOUSE BILL

1348

For An Act To Be Entitled

8

"AN ACT TO ADD ADDITIONAL REQUIREMENTS FOR ESTABLISHING

9

ADVERSE POSSESSION."

10

11

Subtitle

12

"AN ACT TO ADD ADDITIONAL REQUIREMENTS

13

FOR ESTABLISHING ADVERSE POSSESSION."

14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16

17 *SECTION 1. (a) To establish adverse possession of real property, the*
18 *person, and those under whom the person claims, must have actual or*
19 *constructive possession of the property being claimed and either:*

20 *(1) held color of title to the property for a period of a least*
21 *seven (7) years and during that time have paid ad valorem taxes on the*
22 *property. For purposes of this subdivision, color of title may be*
23 *established by the person claiming adversely to the true owner by paying the*
24 *ad valorem taxes for a period of at least seven (7) years for unimproved and*
25 *unenclosed land or fifteen (15) years for wild and unimproved land, provided*
26 *the true owner has not also paid the ad valorem taxes or made a bona fide*
27 *good faith effort to pay the ad valorem taxes which were misapplied by the*
28 *state and local taxing authority; or*

29 *(2) held color of title to real property contiguous to the*
30 *property being claimed by adverse possession for a period of at least seven*
31 *(7) years and during that time have paid ad valorem taxes on the contiguous*
32 *property to which the person has color of title.*

33 *(b) The requirements of this section are in addition to all other*
34 *requirements for establishing adverse possession.*

35 *(c) This section shall not repeal any requirement, under existing case*

1 *law, for establishing adverse possession but shall be supplemental thereto,*
2 *and specifically this section shall not diminish the presumption of*
3 *possession of unimproved and unenclosed land created under Arkansas Code*
4 *Annotated 18-11-102 by payment of taxes for seven (7) years under color of*
5 *title, or the presumption of color of title on wild and unimproved land*
6 *created under Arkansas Code Annotated 18-11-103 by payment of taxes for*
7 *fifteen (15) consecutive years.*

8

9 SECTION 2. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

12

13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

18

19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.

21

/s/Rep. Molinaro

22

23

24

25

26

27

28

29

30

31

32

33

34

35

As Engrossed: 3/22/95

HB 1348

1

1011941308.jjd134