

JUDICIAL CODE (42 PA.C.S.) - TEN YEAR LIMITATION, MESNE PROFITS,  
REIMBURSEMENT AND TWENTY-ONE YEAR LIMITATION

Act of Jun. 19, 2018, P.L. 223, No. 34

Cl. 42

Session of 2018

No. 2018-34

HB 352

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, providing for ten year limitation, for mesne profits and for reimbursement and further providing for twenty-one year limitation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

**§ 5527.1. Ten year limitation.**

(a) **Adverse possession.--**Title to real property may be acquired after no less than 10 years of actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the real property.

(b) **Contiguous lots.--**

(1) Where an additional lot abuts and is contiguous to real property and has been regularly used as part of and incident to the real property, a possessor who seeks to acquire title to real property under this section may also include the contiguous lot in the action to quiet title under subsection (c).

(2) In order to acquire title to the contiguous lot, the possessor must show that:

(i) The area of the contiguous lot as described by the metes and bounds does not exceed a total area of one-half acre when combined with the real property.

(ii) The possessor has made actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the contiguous lot for a period of not less than 10 years.

(c) **Quiet title action required.--**

(1) A possessor who seeks to acquire title to real property under this section must, after meeting the requirements of subsections (a) and (b), commence a quiet title action and provide notice as required in this section.

(2) Notice of the action shall include information relating to the respondent's opportunity to cure as specified in subsection (d) and shall be provided to the record owners, their heirs, successors and assigns .

(3) Notice shall be provided in a form approved by rule of the Pennsylvania Supreme Court, which form shall include the metes and bounds description, deed reference, street address, postal zip code, uniform parcel identifier or tax parcel number and the notices of the one-year period to cure as stated in subsection (d).

(d) **One-year notice.--**

(1) The record owners or their heirs, successors and assigns shall have one year in which to respond by commencing

an action in ejectment against the possessor, which action disputes the claim of adverse possession.

(2) (i) If an action in ejectment is so filed and served in accordance with the requirements of this section and the verdict and judgment in the ejectment action are rendered in favor of the record owners, or their heirs, successors and assigns, then both the 10-year statute of limitations set forth in this section and the 21-year statute of limitations set forth in section 5530 (relating to twenty-one year limitation) are tolled, and the court shall render a judgment in favor of the record owners, or their heirs, successors and assigns, disposing of the quiet title action.

(ii) The period for running the statute of limitations for any subsequent claim seeking title by adverse possession under this section or section 5530 shall commence at a date not earlier than the date of the judgment granting the relief requested in the ejectment action.

(3) If no action in ejectment is so filed and served within the one-year period, then judgment may be entered by the court granting title to the real property by adverse possession under this section and the Pennsylvania Rules of Civil Procedure.

(4) A judgment granting title by adverse possession under this section shall not, in and of itself:

(i) discharge, terminate or give rise to a presumption of satisfaction or release of any interest in the property that runs with title to the property, including, but not limited to, easements, profits, covenants, mortgages, liens, judgments and leases;

(ii) otherwise extend or limit the period of time in which claims relating to the property may be asserted against a possessor granted title by a judgment of adverse possession; or

(iii) supersede any applicable provision of law, including, but not limited to, the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, or a zoning code of a city of the first class or city of the second class as the case may be, and any subdivision or land use ordinance, to the extent applicable, then in effect in the jurisdiction where the subject property is located. Nothing contained in this section shall limit the otherwise applicable jurisdiction of any zoning officer, zoning hearing board, zoning board of adjustment or governing body with respect to the subject property.

(e) Limitations.--This section shall not apply to real property that is part of a common interest ownership community established under 68 Pa.C.S. Pt. II Subpts. B (relating to condominiums), C (relating to cooperatives) and D (relating to planned communities).

(f) Nonapplicability.--This section shall not apply to real property that is:

(1) part of a common interest ownership community established under 68 Pa.C.S. Pt. II Subpt. B, C or D; or

(2) owned by the United States, the Commonwealth, a local government, or any agency, authority or other unit of the United States, the Commonwealth or local government, including, but not limited to, a redevelopment authority, municipal authority and school district or joint agency or

authority of the United States, the Commonwealth or local government unit.

(g) **Nonexclusive remedy.**--The relief available under this section is intended to be cumulative and not exclusive of any other rights or remedies that may be available under law or equity, including, but not limited to, the determination of title to a decedent's interest in real estate under 20 Pa.C.S. § 3546 (relating to determination of title to decedent's interest in real estate).

(h) **Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Real property." Real estate not exceeding one-half acre in area that is:

(1) Improved by a single-family dwelling that is and has been occupied by a possessor seeking title under this section for the full 10 years.

(2) Identified as a separate lot in a recorded conveyance, recorded subdivision plan or recorded official map or plan of a municipality.

"Single-family dwelling." A residence designed for occupancy by one household, whether detached from or attached to other structures.

§ 5527.2 . Mesne profits.

(a) **General rule.**--Record owners, their heirs, successors and assigns shall have the right to seek any mesne profits in an action in ejectment filed in response to the notice served under section 5527.1 (relating to ten year limitation) or waive the right to such recovery.

(b) **Limitation on recovery.**--Recovery shall be limited to the mesne profits applicable to the six-year period ending with the commencement of the action in ejectment under section 5527(b) (relating to six year limitation).

§ 5527.3 . Reimbursement.

The defendant in the ejectment action under section 5527.1 (relating to ten year limitation) shall have the right to recover such costs for maintenance, improvements, repairs, renovations, taxes or other such expenses to benefit the real property as the defendant can prove by a preponderance of the evidence that were or should have been the responsibility of the record owners, their heirs, successors and assigns.

Section 2. Section 5530(a)(1) of Title 42 is amended to read:

§ 5530. Twenty-one year limitation.

(a) **General rule.**--The following actions and proceedings must be commenced within 21 years:

(1) [An] **Except as provided in section 5527.1 (relating to ten year limitation), an action for the possession of real property.**

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Section 3. This act shall take effect in one year.

APPROVED--The 19th day of June, A.D. 2018.

TOM WOLF