



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL: 1322      PRINTER'S NO: 3690      PRIME SPONSOR: Wheatley**  
**"As Amended by A07043"**

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2009/10</b>	<b>FY 2010/11</b>
<b>Expenditure Increase/(Decrease):</b>		
General Fund	\$0	\$0

**OVERVIEW:**

House Bill 1322 amends Title 42 (Judiciary and Judicial Procedures) further providing for the period of limitation relating to claims of adverse possession under certain circumstances by reducing the statute of limitations on civil actions from 21 years to 10 years.

Under this bill, a 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 of one acre or less. The real property must be identified as a separate lot in any recorded conveyance, recorded subdivision plan, or recorded official map or plan for a municipality.

A possessor who seeks to acquire title to real property pursuant to this act must initiate a quiet title action and provide notice to the record owners, their heirs, successors, and assigns of the opportunity to object and cure. The required notice must adhere to the provisions in this act and in the Pennsylvania Rules of Civil Procedure.

The record owner, heirs, successors, and assigns would have one year in which to respond by commencing an action in ejectment against the possessor and dispute the claim of adverse possession. If an action in ejectment is so filed and served within one year and judgment is awarded to the plaintiff, the statute of limitations is tolled. If not action in ejectment is so filed and served within a one year period, the judgment may be entered by the court granting title to the real property by adverse possession.

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 notice served or waive the right to such recovery. Recovery shall be limited to the mesne profits applicable to the six-year period ending with the commencement of the action in ejectment.

The defendant in the ejectment action 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 evidence that were or should have been the responsibility of the record owner, their heirs, successors, and assigns.

The provisions of this act do not apply to real property that is part of a common interest ownership community.

This act shall take effect in one year.

**ANALYSIS:**

The enactment of House Bill 1322 is not expected to have an adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Rayko Pacana, Budget Analyst  
House Appropriations Committee, (D)

**DATE:** June 7, 2010

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*