

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1322 Session of
2009

INTRODUCED BY WHEATLEY, BISHOP, DeLUCA, GEIST, JOHNSON,
McGEEHAN, PAYTON, PRESTON, SIPTROTH, K. SMITH, J. TAYLOR,
WAGNER, YOUNGBLOOD AND MURT, APRIL 22, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 7, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 period of limitation relating to claims of adverse possession
4 under certain circumstances; and providing for uniform
5 notice, FOR mesne profits and for reimbursement.

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

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

10 § 5527.1. Ten-year limitation.

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

15 (b) Contiguous lots.--

16 (1) Where an additional lot abuts and is contiguous to
17 real property and has been regularly used as part of an
18 incident to the real property, a possessor who seeks to

1 acquire title to real property pursuant to this section may
2 also include the contiguous lot in the action to quiet title
3 under subsection (c).

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

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

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

13 (c) Quiet title action required.--

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

18 (2) Notice of the action shall include information
19 relating to the respondent's opportunity to cure as specified
20 in subsection (d) and shall be provided to the record owners,
21 their heirs, successors and assigns in the manner described
22 in this section, section 5527.2 (relating to uniform notice)
23 and the Pennsylvania Rules of Civil Procedure.

24 (d) One-year notice.--

25 (1) The record owners or their heirs, successors and
26 assigns shall have one year in which to respond by commencing
27 an action in ejectment against the possessor, which action
28 disputes the claim of adverse possession.

29 (2) If an action in ejectment is so filed and served
30 within the one-year period and judgment is awarded to the

1 plaintiff in the ejectment action, the statute of limitations
2 is tolled.

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

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

13 (f) Definition.--As used in this section, "real property"
14 means real estate not exceeding one acre in area that is:

15 (1) Improved by a single-family residential dwelling
16 that is and has been occupied by a person seeking title under
17 this section for the full ten years.

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

21 § 5527.2 Uniform notice.

22 Notice shall be provided in a form approved by rule of the
23 Pennsylvania Supreme Court, which form shall include the metes
24 and bounds description, deed reference, street address, postal
25 zip code, uniform parcel identifier or tax parcel number and the
26 notice of the one-year period to cure as stated in section
27 5527.1(d) (relating to ten-year limitation).

28 § 5527.3 Mesne profits.

29 Record owners, their heirs, successors and assigns shall have
30 the right TO seek any mesne profits in an action in ejectment



1 filed in response to the notice served under section 5527.1
2 (relating to ten-year limitation) or waive the right to such
3 recovery. Recovery shall be limited to the mesne profits
4 applicable to the six-year period ending with the commencement
5 of the action in ejectment pursuant to section 5527(b) (relating
6 to six year limitation).

7 § 5527.4 Reimbursement.

8 The defendant in the ejectment action shall have the right to
9 recover such costs for maintenance, improvements, repairs,
10 renovations, taxes or other such expenses to benefit the real
11 property as the defendant can prove by a preponderance of the
12 evidence that were or should have been the responsibility of the
13 record owners, their heirs, successors and assigns.

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

16 § 5530. Twenty-one year limitation.

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

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

22 * * *

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