

## 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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 30, 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 ONE-HALF 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 (3) NOTICE SHALL BE PROVIDED IN A FORM APPROVED BY RULE ←  
25 OF THE PENNSYLVANIA SUPREME COURT, WHICH FORM SHALL INCLUDE  
26 THE METES AND BOUNDS DESCRIPTION, DEED REFERENCE, STREET  
27 ADDRESS, POSTAL ZIP CODE, UNIFORM PARCEL IDENTIFIER OR TAX  
28 PARCEL NUMBER AND THE NOTICES OF THE ONE-YEAR PERIOD TO CURE  
29 AS STATED IN SUBSECTION (D).

30 (d) One-year notice.--

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

5       (2) If an action in ejectment is so filed and served  
6 within the one-year period and judgment is awarded to the  
7 plaintiff in the ejectment action, the statute of limitations  
8 is tolled.

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

14       (4) A JUDGMENT GRANTING TITLE BY ADVERSE POSSESSION  
15 PURSUANT TO THIS SECTION SHALL NOT, IN AND OF ITSELF:



16           (I) DISCHARGE, TERMINATE OR GIVE RISE TO A  
17 PRESUMPTION OF SATISFACTION OR RELEASE OF ANY INTEREST IN  
18 THE PROPERTY THAT RUNS WITH TITLE TO THE PROPERTY,  
19 INCLUDING, BUT NOT LIMITED TO, EASEMENTS, PROFITS,  
20 COVENANTS, MORTGAGES, LIENS, JUDGMENTS AND LEASES; OR

21           (II) OTHERWISE EXTEND OR LIMIT THE PERIOD OF TIME IN  
22 WHICH CLAIMS RELATING TO THE PROPERTY MAY BE ASSERTED  
23 AGAINST A POSSESSOR GRANTED TITLE BY A JUDGMENT OF  
24 ADVERSE POSSESSION.

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

30       (f) Definition.--As used in this section, "real property"

1 means real estate not exceeding ~~one~~ ONE-HALF acre in area that ←  
2 is:

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

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

9 ~~§ 5527.2 Uniform notice.~~ ←

10 ~~Notice shall be provided in a form approved by rule of the~~  
11 ~~Pennsylvania Supreme Court, which form shall include the metes~~  
12 ~~and bounds description, deed reference, street address, postal~~  
13 ~~zip code, uniform parcel identifier or tax parcel number and the~~  
14 ~~notice of the one year period to cure as stated in section~~  
15 ~~5527.1(d) (relating to ten year limitation).~~

16 ~~§ 5527.3 5527.2. Mesne profits.~~ ←

17 Record owners, their heirs, successors and assigns shall have  
18 the right to seek any mesne profits in an action in ejectment  
19 filed in response to the notice served under section 5527.1  
20 (relating to ten-year limitation) or waive the right to such  
21 recovery. Recovery shall be limited to the mesne profits  
22 applicable to the six-year period ending with the commencement  
23 of the action in ejectment pursuant to section 5527(b) (relating  
24 to six year limitation).

25 ~~§ 5527.4 5527.3. Reimbursement.~~ ←

26 The defendant in the ejectment action PURSUANT TO SECTION ←  
27 5527.1 (RELATING TO TEN-YEAR LIMITATION) shall have the right to  
28 recover such costs for maintenance, improvements, repairs,  
29 renovations, taxes or other such expenses to benefit the real  
30 property as the defendant can prove by a preponderance of the

1 evidence that were or should have been the responsibility of the  
2 record owners, their heirs, successors and assigns.

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

5 § 5530. Twenty-one year limitation.

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

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

11 \* \* \*

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