
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, MURT AND HELM, APRIL 22, 2009

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, SEPTEMBER
28, 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 AND
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
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.

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

28 (d) One-year notice.--

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

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

3 (2) If an action in ejectment is so filed and served
4 within the one year period and judgment is awarded to the ←
5 plaintiff in the ejectment action, the statute of limitations
6 is tolled. IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ←
7 SECTION AND THE VERDICT AND JUDGMENT IN THE EJECTMENT ACTION
8 ARE RENDERED IN FAVOR OF THE RECORD OWNERS, OR THEIR HEIRS,
9 SUCCESSORS AND ASSIGNS, THEN BOTH THE TEN-YEAR STATUTE OF
10 LIMITATIONS SET FORTH IN THIS SECTION AND THE 21-YEAR STATUTE
11 OF LIMITATIONS SET FORTH IN SECTION 5530 (RELATING TO TWENTY-
12 ONE YEAR LIMITATION) ARE TOLLED, AND THE COURT SHALL RENDER A
13 JUDGMENT IN FAVOR OF THE RECORD OWNERS, OR THEIR HEIRS,
14 SUCCESSORS AND ASSIGNS, DISPOSING OF THE QUIET TITLE ACTION.
15 THE PERIOD FOR RUNNING THE STATUTE OF LIMITATIONS FOR ANY
16 SUBSEQUENT CLAIM SEEKING TITLE BY ADVERSE POSSESSION UNDER
17 THIS SECTION OR SECTION 5530 SHALL COMMENCE AT A DATE NOT
18 EARLIER THAN THE DATE OF THE JUDGMENT GRANTING THE RELIEF
19 REQUESTED IN THE EJECTMENT ACTION.

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

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

27 (i) discharge, terminate or give rise to a
28 presumption of satisfaction or release of any interest in
29 the property that runs with title to the property,
30 including, but not limited to, easements, profits,

1 covenants, mortgages, liens, judgments and leases; or
2 (ii) otherwise extend or limit the period of time in
3 which claims relating to the property may be asserted
4 against a possessor granted title by a judgment of
5 adverse possession.

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

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

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

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

19 § 5527.2. Mesne profits.

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

28 § 5527.3. Reimbursement.

29 The defendant in the ejectment action pursuant to section
30 5527.1 (relating to ten-year limitation) shall have the right to

1 recover such costs for maintenance, improvements, repairs,
2 renovations, taxes or other such expenses to benefit the real
3 property as the defendant can prove by a preponderance of the
4 evidence that were or should have been the responsibility of the
5 record owners, their heirs, successors and assigns.

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

8 § 5530. Twenty-one year limitation.

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

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

14 * * *

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