

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1808** Session of
2013

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OCTOBER 29, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 28, 2014

AN ACT

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

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

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

11 § 5527.1. Ten-year limitation.

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

16 (b) Contiguous lots.--

17 (1) Where an additional lot abuts and is contiguous to

1 real property and has been regularly used as part of and
2 incident to the real property, a possessor who seeks to
3 acquire title to real property pursuant to this section may
4 also include the contiguous lot in the action to quiet title
5 under subsection (c).

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

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

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

15 (c) Quiet title action required.--

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

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

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) (i) If an action in ejectment is so filed and
6 served in accordance with the requirements of this
7 section and the verdict and judgment in the ejectment
8 action are rendered in favor of the record owners, or
9 their heirs, successors and assigns, then both the ten-
10 year statute of limitations set forth in this section and
11 the 21-year statute of limitations set forth in section
12 5530 (relating to twenty-one year limitation) are tolled,
13 and the court shall render a judgment in favor of the
14 record owners, or their heirs, successors and assigns,
15 disposing of the quiet title action.

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

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

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

29 (i) discharge, terminate or give rise to a
30 presumption of satisfaction or release of any interest in

1 the property that runs with title to the property,
2 including, but not limited to, easements, profits,
3 covenants, mortgages, liens, judgments and leases; or

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

8 ~~(e) Nonapplicability. This section shall not apply to real <--~~

9 (E) LIMITATIONS.-- <--

10 (1) THIS SECTION SHALL NOT APPLY TO REAL property that
11 is part of a common interest ownership community established
12 under 68 Pa.C.S. Pt. II Subpts. B (relating to condominiums),
13 C (relating to cooperatives) and D (relating to planned
14 communities).

15 (2) RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY IF THE <--
16 RELIEF IS CONSISTENT WITH THE EXISTING ZONING PLAN AND WITH
17 ANY DULY ADOPTED LAND USE ORDINANCE OR OTHER PROVISION.

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

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

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

26 § 5527.2. Mesne profits.

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

1 right to such recovery.

2 (b) Limitation on recovery.--Recovery shall be limited to
3 the mesne profits applicable to the six-year period ending with
4 the commencement of the action in ejectment pursuant to section
5 5527(b) (relating to six year limitation).

6 § 5527.3. Reimbursement.

7 The defendant in the ejectment action pursuant to section
8 5527.1 (relating to ten-year limitation) 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.