

SENATE BILL No. 121

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-21-7-1.

Synopsis: Adverse possession. Permits a person or other entity exempt from the payment of property taxation to claim property by adverse possession.

Effective: July 1, 2017.

Koch

January 4, 2017, read first time and referred to Committee on Civil Law.



First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 121

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-7-1, AS AMENDED BY P.L.94-2014,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) Except as provided in subsection (b), in an
4 action to establish title to real property, possession of the real property
5 is not adverse to the owner in a manner as to establish title to the real
6 property unless the adverse possessor pays all taxes and special
7 assessments that the adverse possessor reasonably believes in good
8 faith to be due on the real property during the period the adverse
9 possessor claims to have adversely possessed the real property.
10 However, this section does not relieve any adverse possessor from
11 proving all the elements of title by adverse possession required by law.
12 (b) A:
13 (1) governmental entity; or
14 (2) **person or other entity, with respect to property exempt**
15 **from taxation under IC 6-1.1-10;**
16 may claim title to real property by adverse possession without having
17 paid all taxes and special assessments due on the real property during



1 the period of adverse possession if the ~~governmental entity~~ **real**
2 **property** was exempt from ~~the payment of property taxes~~ **taxation** and
3 special assessments during the period of adverse possession.

