

SENATE BILL 258

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 28;  
Title 39 and Title 66, relative to adverse  
possession through illegal means.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 28-2-102, is amended by designating the existing language as subsection (a) and the following language as a new subsection:

(b)

(1) Notwithstanding subsection (a), an action against the person in possession, under recorded assurance of title, as in § 28-2-101, shall not be barred if the person, or those claiming under such person, alleged of neglecting such property can prove, by a preponderance of evidence, that the property was possessed by illegal means. As used in this section, "illegal means" may include, but not be limited to, knowingly and willfully moving, removing, or otherwise destroying the property stakes or other physical markings used by the lawful property owner to designate property lines.

(2) Any person who knowingly and willfully moves, removes, or otherwise destroys the property stakes or other physical markings used by the lawful property owner to designate property lines to illegally mark or alter the lawful property owner's property lines to possess the property pursuant to this title and chapter commits a Class E felony.

(3) An action pursuant to this subsection (b) may be initiated by the person, or those claiming under such person, alleged of neglecting the property in a court of competent jurisdiction where the property is located.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring  
it.