



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 631 (as reported without amendment)
Sponsor: Senator Joe Conroy
Committee: Financial Services

CONTENT

The bill would amend the Revised Judicature Act to abolish the doctrine of adverse possession, unless the required period of continuous possession had run in its entirety before the bill's effective date. The bill is tie-barred to Senate Bill 632.

("Adverse possession" refers to the method by which a person can gain legal title to the land of another by possessing the property exclusively and continuously for a certain length of time, in a manner that is adverse or hostile to the interests of the owner, and under circumstances that give clear notice to the owner of the possession. As a rule, under Michigan law, 15 years is the period required for adverse possession claims. Pursuant to Public Act 35 of 1988, adverse possession claims cannot be made against the State, although a party may seek other equitable relief.)

Senate Bill 631 provides that, beginning on its effective date, the doctrine of securing title to real property by adverse possession would be abolished in this State. A claim of title to adverse possession could be made, however, if the period of continuous possession of the real property, as required by law, had run in its entirety before the bill's effective date.

Currently, the Revised Judicature Act provides that, in every action for the recovery or possession of real estate, the person establishing the legal title to the property is presumed to have been in possession of it within the time limited by law for bringing the action, unless it appears that the property has been possessed adversely to the legal title by the defendant or those from or under whom he or she claims. Under the bill, the property would have to have been possessed adversely for the period described in the bill (that is, the period of continuous possession would have to have run in its entirety before the bill's effective date).

MCL 600.5867 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

Senate Bills 631 and 632 would have an indeterminate fiscal impact depending on the reduction in the numbers of claims made for title to real property by adverse possession. The bills eventually would decrease the amount of court time involved in handling these types of cases.

Date Completed: 9-19-96

Fiscal Analyst: M. Ortiz

floor\sb631

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.