

SECOND REGULAR SESSION

# HOUSE BILL NO. 1093

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WETER (Sponsor), MYERS AND WALLACE (Co-sponsors).

Pre-filed December 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3041L.01I

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### AN ACT

To repeal sections 516.010, 527.150, and 527.180, RSMo, and to enact in lieu thereof three new sections relating to adverse possession.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 516.010, 527.150, and 527.180, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 516.010, 527.150, and 527.180, to read as follows:

516.010. **1.** No action for the recovery of any lands, tenements or hereditaments, or for the recovery of the possession thereof, shall be commenced, had or maintained by any person, whether citizen, denizen, alien, resident or nonresident of this state, unless it appear that the plaintiff, [his] **the plaintiff's** ancestor, predecessor, grantor or other person under whom [he] **the plaintiff** claims was seized or possessed of the premises in question[,] within ten years before the commencement of such action.

**2. No action for the recovery of the possession of any lands, tenements or hereditaments shall be barred under this section unless title to such premises has been acquired by adverse possession and suit to quiet title has been filed in accordance with sections 527.150 to 527.180, RSMo.**

527.150. 1. Any person claiming any title, estate or interest in real property, whether the same be legal or equitable, certain or contingent, present or in reversion, or remainder, whether in possession or not, [may] **shall** institute an action against any person or persons having or claiming to have any title, estate or interest in such property, whether in possession or not, to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 ascertain and determine the estate, title and interest of said parties, respectively, in such real  
6 estate, and to define and adjudge by its judgment or [decree] **order** the title, estate and interest  
7 of the parties severally in and to such real property.

8         2. And upon the trial of such cause, if same be asked for in the pleadings of either party,  
9 the court [may] **shall** hear and finally determine any and all rights, claims, interest, liens and  
10 demands, whatsoever of the parties, or of any one of them, concerning or affecting said real  
11 property, and may award full and complete relief, whether legal or equitable, to the several  
12 parties, and to each of them, as fully and with the same force and effect as the court might or  
13 could in any other or different action brought by the parties, or any one of them, to enforce any  
14 such right, claim, interest, lien or demand, and the judgment or [decree] **order** of the court when  
15 so rendered shall be as effectual between the parties thereto as if rendered in any other, different  
16 or separate action prosecuted therefor.

527.180. In all cases when, under the provisions of section **516.010 or 516.070**, RSMo,  
2 the title or claim of any person out of possession of any real estate shall be barred by limitation[,]  
3 and the title thereto has vested in the party in possession[,], or the party under whom [he] **the**  
4 **plaintiff** claims, under the provisions of said section, the party holding the title which has vested  
5 by limitation under the provisions of said section [may bring his] **shall bring** action in the circuit  
6 court of the county in which the real estate is situated[,], to have [his] **the plaintiff's** record title  
7 thereto perfected, and it shall be sufficient for [him] **the plaintiff** to state in [his] **the** petition that  
8 [he] **the plaintiff** holds the title to such real estate[,], and that the same has vested in [him] **the**  
9 **plaintiff** or those under whom [he] **the plaintiff** claims, by limitation under the provisions of  
10 said section, and in such action it shall not be necessary to make any person a party defendant  
11 except such persons as may appear to have of record a claim or title adverse to that of plaintiff,  
12 and upon the trial of such cause, proof of the facts, showing title in plaintiff by limitation by  
13 reason of the provisions of said section, shall entitle [him] **the plaintiff** to [a decree] **an order**  
14 of the court declaring [his] **the plaintiff's** title by limitation under the provisions of said section,  
15 and a copy of such [decree may] **order shall** be entered of record in the office of the recorder of  
16 deeds for said county, and in any such action service of process may be had as provided in  
17 chapter 506, RSMo, in causes affecting real estate, and if in any case the person whose adverse  
18 claim appears of record shall be dead, then the heirs or devisees of such person, or those claiming  
19 by, through or under him **or her** or them, if known, shall be made defendants, as adverse  
20 claimants, and if they be unknown to plaintiff, then [he] **the plaintiff** shall allege in [his] **the**  
21 petition, under oath, that there are, or that [he] **the plaintiff** verily believes there are, persons  
22 interested in the subject matter of the petition as heirs or devisees of deceased, or as claiming by,  
23 through or under him **or her** or them, whose names [he] **the plaintiff** cannot insert therein  
24 because they are unknown to [him] **the plaintiff**, and shall describe the interest of such person,

25 and how derived, so far as [his] **the plaintiff's** knowledge extends, and service of process on  
26 such unknown person shall be had as in said chapter 506, RSMo, is provided in case of unknown  
27 parties, and when such service shall be had, judgment and [decree] **order** shall be rendered the  
28 same as though personal service had been had.

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