

FIRST REGULAR SESSION

# HOUSE BILL NO. 1137

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RUCKER (Sponsor), KUESSNER, AULL, MUNZLINGER, SCHLOTTACH, HUGHES, CARTER, HOBBS, SCHAD, STEVENSON, ROORDA, QUINN, SHIVELY, TODD AND BROWN (50) (Co-sponsors).

2488L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 516.010, 516.030, 516.070, 527.150, and 527.180, RSMo, and to enact in lieu thereof two 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, 516.030, 516.070, 527.150, and 527.180, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be known as sections 516.030 and  
3 527.150, to read as follows:

516.030. If any person entitled to commence any action in [sections 516.010 and] **section**  
2 516.090 specified or to make any entry be, at the time such right or title shall first descend or  
3 accrue, either within the age of eighteen years, or mentally incapacitated, the time during which  
4 such disability shall continue shall not be deemed any portion of the time in [sections 516.010  
5 to] **section** 516.090 limited for the commencement of such action or the making of such entry;  
6 but such person may bring such action or make such entry after the time so limited, and within  
7 three years after such disability is removed; provided, that no such action shall be commenced,  
8 had or maintained or entry made by any person laboring under the disabilities specified in this  
9 section, after twenty-one years after the cause of such action or right of entry shall have accrued.

527.150. 1. **Except as provided in subsection 2 of this section,** any person claiming  
2 any title, estate or interest in real property, whether the same be legal or equitable, certain or  
3 contingent, present or in reversion, or remainder, whether in possession or not, may institute an  
4 action against any person or persons having or claiming to have any title, estate or interest in  
5 such property, whether in possession or not, to ascertain and determine the estate, title and

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.

6 interest of said parties, respectively, in such real estate, and to define and adjudge by its judgment  
7 or decree the title, estate and interest of the parties severally in and to such real property.

8       **2. Notwithstanding any provision of law or case law the doctrine of adverse**  
9 **possession shall not apply in the state of Missouri and no person shall claim any title,**  
10 **estate, or interest in real property based upon adverse possession nor shall any such person**  
11 **institute any action based upon a claim of adverse possession against any person or persons**  
12 **having or claiming to have any title, estate, or interest in property.**

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

22               [516.010. No action for the recovery of any lands, tenements or  
23 hereditaments, or for the recovery of the possession thereof, shall be commenced,  
24 had or maintained by any person, whether citizen, denizen, alien, resident or  
25 nonresident of this state, unless it appear that the plaintiff, his ancestor,  
26 predecessor, grantor or other person under whom he claims was seized or  
27 possessed of the premises in question, within ten years before the commencement  
28 of such action.]  
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              [516.070. Whenever any real estate, the equitable title to which shall  
2 have emanated from the government more than ten years, shall thereafter, on any  
3 date, be in the lawful possession of any person, and which shall or might be  
4 claimed by another, and which shall not at such date have been in possession of  
5 the said person claiming or who might claim the same, or of anyone under whom  
6 he claims or might claim, for thirty consecutive years, and on which neither the  
7 said person claiming or who might claim the same nor those under whom he  
8 claims or might claim has paid any taxes for all that period of time, the said  
9 person claiming or who might claim such real estate shall, within one year from  
10 said date, bring his action to recover the same, and in default thereof he shall be  
11 forever barred, and his right and title shall, ipso facto, vest in such possessor;  
12 provided, however, that in all cases such action may be brought at any time  
13 within one year from the date at which this section takes effect and goes into  
14 force.]  
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2 [527.180. In all cases when, under the provisions of section 516.070,  
3 RSMo, the title or claim of any person out of possession of any real estate shall  
4 be barred by limitation, and the title thereto has vested in the party in possession,  
5 or the party under whom he claims, under the provisions of said section, the party  
6 holding the title which has vested by limitation under the provisions of said  
7 section may bring his action in the circuit court of the county in which the real  
8 estate is situated, to have his record title thereto perfected, and it shall be  
9 sufficient for him to state in his petition that he holds the title to such real estate,  
10 and that the same has vested in him or those under whom he claims, by limitation  
11 under the provisions of said section, and in such action it shall not be necessary  
12 to make any person a party defendant except such persons as may appear to have  
13 of record a claim or title adverse to that of plaintiff, and upon the trial of such  
14 cause, proof of the facts, showing title in plaintiff by limitation by reason of the  
15 provisions of said section, shall entitle him to a decree of the court declaring his  
16 title by limitation under the provisions of said section, and a copy of such decree  
17 may be entered of record in the office of the recorder of deeds for said county,  
18 and in any such action service of process may be had as provided in chapter 506,  
19 RSMo, in causes affecting real estate, and if in any case the person whose adverse  
20 claim appears of record shall be dead, then the heirs or devisees of such person,  
21 or those claiming by, through or under him or them, if known, shall be made  
22 defendants, as adverse claimants, and if they be unknown to plaintiff, then he  
23 shall allege in his petition, under oath, that there are, or that he verily believes  
24 there are, persons interested in the subject matter of the petition as heirs or  
25 devisees of deceased, or as claiming by, through or under him or them, whose  
26 names he cannot insert therein because they are unknown to him, and shall  
27 describe the interest of such person, and how derived, so far as his knowledge  
28 extends, and service of process on such unknown person shall be had as in said  
29 chapter 506, RSMo, is provided in case of unknown parties, and when such  
30 service shall be had, judgment and decree shall be rendered the same as though  
personal service had been had.]

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