

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 417 (as introduced 4-22-97)  
Sponsor: Senator Joe Conroy  
Committee: Judiciary

Date Completed: 3-10-98

### **CONTENT**

The bill would amend the Revised Judicature Act to provide that, beginning on the bill's effective date, the doctrine of securing title to real property by adverse possession would be abolished in this State.

Currently, as a rule, the Act provides for a 15-year period of limitations for bringing an action for the recovery or possession of real property. The bill states that, beginning on its effective date, this period of limitations would no longer apply to an action for the recovery or possession of lands from a person claiming title to the lands under the doctrine of adverse possession.

The Act also provides that, in every action for the recovery or possession of real estate, the person establishing the legal title to the premises is presumed to have been in possession of the premises within the time limited by law for bringing the action, unless it appears that the real estate has been possessed adversely to the person's legal title by the defendant or by those from or under whom the defendant claims. Under the bill, that exception would be deleted.

("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 (15 years in Michigan), in a manner that is adverse or hostile to the interests of the owner, and under circumstances that give clear notice of the possession to the owner and to the community. In addition, the person obtaining legal title must believe that the property actually belonged to him or her. Adverse possession claims may not be made against the State of Michigan.)

MCL 600.5801 et al.

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local units of government. The extent to which State and local governments would have used the doctrine of adverse possession in the future to establish title to property cannot be determined.

Fiscal Analyst: B. Bowerman

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