

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 595

By: Lerblance

AS INTRODUCED

An Act relating to property; amending 60 O.S. 2001, Section 333, which relates to title by prescription; providing method of acquiring title to real property by prescription; providing requirements necessary to establish title by lawsuit; providing limitations to certain actions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 2001, Section 333, is amended to read as follows:

Section 333. A. Occupancy for the period prescribed by civil procedure and pursuant to the provisions of this section, or any law of this state as sufficient to bar an action for the recovery of the property, confers a title thereto, denominated a title by prescription, which is sufficient against all.

B. For the purpose of constituting title by prescription by a person claiming title not founded upon a written and recorded instrument or by judgment or decree, the land is deemed to have been possessed and occupied only:

1. Where it has been protected by a substantial enclosure and usually cultivated or improved; or

2. Where, though not enclosed, it has been used and occupied so openly and notoriously, and without permission, as to attract the attention of every other claimant, and so exclusively as to prevent actual occupation by another.

Title by prescription may be conferred only to that land so actually possessed and occupied.

C. For the purpose of constituting title by prescription by a person claiming good faith title founded upon a written and recorded instrument or by a judgment or decree, the land is deemed to have been possessed and occupied only:

1. Where it has been protected by a substantial enclosure and usually cultivated or improved; or

2. Where, though not enclosed, it has been used and occupied without permission for the ordinary use of the occupant according to the usual course and custom of the adjoining properties.

Title may be conferred to that land which is described in the instrument, judgment, or decree even though only a portion of the described land is so possessed and occupied.

D. In any suit to establish title to land, no possession thereof shall be deemed adverse to the owner in such manner as to establish title or rights in and to such land unless the adverse possessor or claimant and any predecessors or grantors shall have paid and discharged all taxes and assessments due on the land during the period the adverse possessor claims to have possessed the land adversely and shall have satisfied the requirements of subsections B and C of this section.

E. This section shall not bar any claim arising or existing prior to the effective date of this act.

SECTION 2. This act shall become effective November 1, 2005.

50-1-72

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