

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 103

Senator Mumper

Cosponsor: Senator Mason

—

A B I L L

To amend section 5303.01 of the Revised Code to 1
require that a person have paid all taxes and 2
special assessments due on property while in their 3
possession in order to use that period of 4
possession to establish title to the property 5
through adverse possession. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5303.01 of the Revised Code be 7
amended to read as follows: 8

Sec. 5303.01. (A) An action may be brought by a person in 9
possession of real property, ~~by himself~~ personally or as tenant, 10
against any person who claims an interest ~~therein~~ in the real 11
property adverse to ~~him~~ the person in possession, or an action in 12
recovery may be brought by the person out of possession, for the 13
purpose of determining ~~such adverse interest.~~ Such the interests 14
of the parties in the real property. An action may be brought also 15
by a person out of possession, having, or claiming to have, an 16
interest in remainder or reversion in real property, against any 17
person who claims to have an interest ~~therein~~ in the real 18
property, adverse to ~~him~~ the person out of possession, for the 19

purpose of determining the interests of the parties ~~therein~~ in the
real property. 20
21

(B) In any action to establish title to real property by 22
adverse possession, possession of the property does not establish 23
an interest in or right to the property by the person in 24
possession that is adverse to the interests and rights of the 25
titled owner unless the person seeking title by adverse possession 26
paid, in a timely manner, all taxes and special assessments that 27
the person reasonably believed to be due on the property during 28
the period that the person seeking title by adverse possession 29
claims to have been in possession of the property. This section 30
does not relieve any person seeking title by adverse possession 31
from proving all of the elements of title by adverse possession 32
required by law. 33

(C) Whenever the state or any agency or political subdivision 34
thereof of the state has, or appears to have, an interest in real 35
property adverse to the person in possession claiming the right 36
thereto in the real property, the state or ~~such~~ the agency or ~~such~~ 37
the political subdivision may be made a party in any action 38
brought under this section. 39

(D) The clerk of the court shall cause to be recorded in the 40
deed records of each county in which any part of the real property 41
lies, a certified copy of the judgment or decree determining the 42
interests of the parties. The usual fees of the clerk and recorder 43
shall be taxed as part of the costs of the case. 44

Section 2. That existing section 5303.01 of the Revised Code 45
is hereby repealed. 46