By: Zaffirini   S.B. No. 79

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the ability of a person to acquire title to certain real

3   property through adverse possession.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1. Subchapter B, Chapter 16, Civil Practice and

6   Remedies Code, is amended by adding Section 16.0285 to read as

7   follows:

8   Sec. 16.0285. ACTIONS NOT BARRED.   An action for the

9   recovery of real property held in peaceable and adverse possession

10 by another is not barred under this chapter at any time if the

11 person bringing the action:

12   (1)   holds title to the real property; and

13   (2)   has, from the time the person acquired title until

14 the time the action is filed, continuously paid the ad valorem taxes

15 imposed on the property as they were due.

16   SECTION 2. Section 16.026(a), Civil Practice and Remedies

17 Code, is amended to read as follows:

18   (a) A person must bring suit not later than 10 years after

19 the day the cause of action accrues to recover real property held in

20 peaceable and adverse possession by another who cultivates, uses,

21 or enjoys the property, unless Section 16.0285 applies.

22   SECTION 3. Section 16.027, Civil Practice and Remedies

23 Code, is amended to read as follows:

24   Sec. 16.027. ADVERSE   POSSESSION: 25-YEAR   LIMITATIONS

1 PERIOD NOTWITHSTANDING DISABILITY. A person, regardless of whether

2 the person is or has been under a legal disability, must bring suit

3 not later than 25 years after the day the cause of action accrues to

4 recover real property held in peaceable and adverse possession by

5 another who cultivates, uses, or enjoys the property, unless

6 Section 16.0285 applies.

7   SECTION 4. This Act takes effect September 1, 2003, and

8 applies only to a cause of action that accrues on or after that

9 date. A cause of action that accrues before the effective date of

10 this Act is governed by the law in effect immediately before that

11 date, and that law is continued in effect for that purpose.