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SENATE BILL NO. 67

Offered January 13, 2010

Prefiled January 4, 2010

A BILL to amend and reenact §§ 55-171 and 57-17 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-218.1, relating to adverse possession; abolition.

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-171 and 57-17 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-218.1 as follows:

§ 8.01-218.1. Adverse possession abolished.

No action or defense shall lie or be maintained in the Commonwealth for adverse possession upon which the action or defense arose on or after July 1, 2010.

§ 55-171. Annual report to escheator; lands not liable.

Each treasurer shall, every May, furnish to the escheator of his county or city a list of all lands within his district of which any person has died seised of an estate of inheritance (i) intestate and without any known heir, or (ii) testate without disposing of all property by will and without leaving any surviving heir to inherit the property. No land shall be liable to escheat which for ~~fifteen~~ 15 years prior to July 1, 2010, has been held under adverse possession as at common law by the person claiming the same, or those under whom he holds, but only if taxes were paid throughout that period by the claimant or those under whom he holds.

§ 57-17. Conveyance of church land held in adverse possession.

Whenever any church in the Commonwealth has been in the undisputed possession, for a period of 25 years or more prior to July 1, 2010, of any real estate, and for which there is no deed of record, the church, after giving notice once a week for four successive weeks in some newspaper published in, or having general circulation in, the county or city in which such real estate is, may file a petition in the circuit court of such county, or any court of record of such city, duly sworn to, which petition shall set forth the fact that the real estate mentioned therein has been in the undisputed possession of such church for a period of 25 years or more prior to July 1, 2010, and shall give the true boundaries of such real estate. Upon the hearing of such petition, if the court shall be satisfied that the real estate mentioned has been in the undisputed possession of such church for a period of 25 years or more prior to July 1, 2010; that the boundaries mentioned in the petition are the true boundaries of such real estate; and that such petition has been filed by the proper party, it may appoint a special commissioner to make conveyance of such real estate to the church, with covenant of special warranty.

INTRODUCED

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