

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 309

Short Title: Adverse Possession Changes. (Public)

Sponsors: Representatives Dixon, Brisson, Sasser, and Jones (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

March 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PROCESS FOR ACQUIRING TITLE TO LANDS USING
3 ADVERSE POSSESSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 1-40 reads as rewritten:

6 "**§ 1-40. ~~Twenty~~Thirty years adverse possession.**

7 No action for the recovery or possession of real property, or the issues and profits thereof,
8 shall be maintained when the person in possession thereof, or defendant in the action, or those
9 under whom he claims, has possessed the property under known and visible lines and boundaries
10 adversely to all other persons for ~~20~~30 years; and such possession so held gives a title in fee to
11 the possessor, in such property, against all persons not under disability. If a possessor acquires
12 title in fee to property by means of adverse possession, the possessor shall pay the previous owner
13 the fair market value of the property at the time of the acquisition and shall reimburse the previous
14 owner for all property taxes incurred for the 30 years that the property was adversely possessed.
15 Title to property may not transfer by adverse possession if the property that is being adversely
16 possessed is entirely within one foot of the recorded boundary of the property."

17 **SECTION 2.** This act is effective when it becomes law and shall apply to actions for
18 the recovery or possession of real property, or the issues and profits thereof, commenced on or
19 after that date.

