

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 423

Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing this doctrine to meet contemporary requirements. The study shall include, but not be limited to, an examination of the following issues:

- (1) The frequency with which adverse possession is applied;
- (2) Any modern trends in the use and application of adverse possession;
- (3) Whether payment of property tax should be included as a sixth element required to prove adverse possession;
- (4) Whether the trespasser should be required to pay property taxes on the relevant parcel during all or a portion of the continuous period of use;
- (5) Whether continued and active payment of property taxes on the relevant parcel is an indication that the record owner is aware of ownership and actively maintaining this investment;
- (6) Whether a record owner who in good faith pays all taxes due on his or her property should be compensated for those payments when that parcel is lost to a claim of adverse possession; and
- (7) Recommendations for modernizing the doctrine of adverse possession to better serve contemporary applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.