

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 – 0 – 0
Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays: 0
Exc.: 0
Prepared By: Bill Taylor, Counsel
Meeting Dates: 5/20

WHAT THE MEASURE DOES: Prohibits a person from obtaining the property of a mass transit district by adverse possession.

ISSUES DISCUSSED:

- Chicken coops

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Pursuant to ORS 105.620, a person may acquire fee simple title to real property by adverse possession only if:

- (a) The person and the predecessors in interest of the person have maintained actual, open, notorious, exclusive, hostile and continuous possession of the property for a period of 10 years;
 - (b) At the time the person claiming by adverse possession or the person's predecessors in interest, first entered into possession of the property, the person entering into possession had the honest belief that the person was the actual owner of the property and that belief:
 - (A) By the person and the person's predecessor in interest, continued throughout the vesting period;
 - (B) Had an objective basis; and
 - (C) Was reasonable under the particular circumstances; and
 - (c) The person proves each of the elements set out in this section by clear and convincing evidence.
- (2)(a) A person maintains "hostile possession" of property if the possession is under claim of right or with color of title. "Color of title" means the adverse possessor claims under a written conveyance of the property or by operation of law from one claiming under a written conveyance.
- (b) Absent additional supporting facts, the grazing of livestock is insufficient to satisfy the requirements of subsection (1)(a) of this section.