

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

475I0669

## HOUSE BILL NO. 1256

Introduced by: Representatives Hanson, Begalka, Hargens, Lintz, Novstrup, Peterson (Jim),  
and Rhoden and Senators Duenwald, Abdallah, Diedrich (Larry), Nachtigal,  
and Symens

1 FOR AN ACT ENTITLED, An Act to provide certain defenses to adverse possession claims.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 15-3 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 No person claiming title to real property by adverse possession may prevail against an owner  
6 of record if the owner of record has regularly paid all taxes legally assessed on such property  
7 unless:

8 (1) The adverse possessor has also regularly paid all taxes legally assessed on such  
9 property; and

10 (2) Possession of the property by the adverse possessor has been open, notorious, and  
11 continuous for twenty years; and

12 (3) The owner of record had actual knowledge of the adverse possessor's open possession  
13 of the property; and

14 (4) The owner of record took no action during the twenty years of open possession to  
15 contest the adverse possessor's exercise of dominion.



1 Section 2. That chapter 15-3 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 No person claiming title to real property by adverse possession may prevail against an owner  
4 of record if:

5 (1) The adverse possessor was the owner of property directly bordering property of the  
6 owner of record; and

7 (2) The possession and dominion exercised by the adverse possessor extended uniformly  
8 along the boundary line in a manner indicating that the two parties were mutually  
9 mistaken about the location of the actual boundary line between the properties.