

1 **MARKETABLE RECORD TITLE AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stuart C. Reid**

5 House Sponsor: Ryan D. Wilcox

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies a marketable record title provision.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies a provision indicating interests and rights that marketable record title
13 provisions may not be applied to bar or extinguish;

14 ▶ expands a provision prohibiting the extinguishment of certain easement rights to
15 apply to any right, title, or interest;

16 ▶ expands a provision prohibiting the extinguishment of specified state property to
17 apply to any right, title, or interest of the state or political subdivision of the state;

18 and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **57-9-6**, as last amended by Laws of Utah 1999, Chapter 241

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **57-9-6** is amended to read:

30 **57-9-6. Applicability of provisions.**

31 This ~~[act]~~ chapter may not be applied to ~~[bar]~~:

32 (1) ~~[any]~~ bar a lessor or ~~[his]~~ the lessor's successor as a reversioner of ~~[his]~~ the right to
33 possession on the expiration of any lease; ~~[or]~~

34 (2) extinguish any ~~[easement or interest in the nature of an easement]~~ right, title, or
35 interest created or held for any pipeline, highway, railroad or public utility purpose~~[-, or any]~~;

36 (3) extinguish an easement or interest in the nature of an easement, the existence of
37 which is clearly observable by physical evidence of its use; ~~[or]~~

38 ~~[(3)]~~ (4) extinguish any water rights, whether evidenced by decrees, by certificates of
39 appropriation, by diligence claims to the use of surface or underground water, or by water
40 users' claims filed in general determination proceedings; ~~[or]~~

41 ~~[(4)]~~ (5) extinguish any right, title, estate, or interest in and to minerals, and any
42 development, mining, production or other rights or easements related to the minerals or
43 exercisable in connection with the minerals; ~~[or]~~

44 ~~[(5)]~~ (6) extinguish any right, title, or interest of the state ~~[in school or institutional~~
45 ~~trust lands or sovereign lands]~~ or political subdivision of the state; or

46 ~~[(6)]~~ (7) extinguish any right, title, or interest of the United States, by reason of failure
47 to file the notice ~~[herein]~~ required under this chapter.