

57-9-4 Filing of notice of claim of interest authorized -- Effect of possession of land by record owner of possessory interest.

- (1) Any person claiming an interest in land may preserve and keep effective such interest by filing for record during the forty-year period immediately following the effective date of the root of title of the person whose record title would otherwise be marketable, a notice in writing, duly verified by oath, setting forth the nature of the claim. No disability or lack of knowledge of any kind on the part of anyone shall suspend the running of the forty-year period. The notice may be filed for record by the claimant or by any other person acting in behalf of any claimant who is
 - (a) under a disability,
 - (b) unable to assert a claim on his own behalf, or
 - (c) one of a class, but whose identity cannot be established or is uncertain at the time of filing the notice of claim for record.
- (2) If the same record owner of any possessory interest in land has been in possession of such land continuously for a period of 40 years or more, during which period no title transaction with respect to such interest appears of record in his chain of title, and no notice has been filed by him or on his behalf as provided in Subsection (1), and such possession continues to the time when marketability is being determined, such period of possession shall be deemed equivalent to the filing of the notice immediately preceding the termination of the forty-year period described in Subsection (1).

Enacted by Chapter 109, 1963 General Session