

TOWNSITE STATUTE MODIFICATION

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert M. Muhlestein

AN ACT RELATING TO REAL ESTATE; AUTHORIZING THE TRANSFER OF LEGAL TITLE TO LAND WITHOUT THE PAYMENT OF TAXES ON THE LAND IN CASES WHERE NO TAXES HAVE BEEN ASSESSED AGAINST THE LAND; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

57-7-19, Utah Code Annotated 1953

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

Section 1. Section **57-7-19** is amended to read:

57-7-19. Possession for ten years entitles claimant to conveyance.

(1) Whenever any [~~lot, piece or~~] parcel of land [~~shall have~~] has passed from the United States to the district judge of any county in this state or to the probate judge of any county in the late territory of Utah, under and by virtue of the provisions of an Act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, or any amendments thereto, and there is no record of any conveyance from [~~such~~] the judge or his successor in office to the claimants thereof, any person, who by himself or by or through his predecessors in interest [~~shall have~~] has had continuous and exclusive possession of [~~such lot, piece or~~] the parcel of land for the period of ten years before the filing of the petition hereinafter mentioned and who [~~shall have~~] has paid the taxes thereon during said time, shall be [~~deemed~~] considered the rightful owner of [~~such~~] the land[~~, and it~~]. It shall be conclusively presumed that he has complied with all of the provisions of law for obtaining title thereto[~~, and such~~]. The person may at any time apply to the judge of the district court of the county wherein said land may be situated for a conveyance of the legal title to [~~such~~] the land to him[~~, and such~~]. That judge [~~of the~~

1 district court] is hereby vested with power and authority to execute [such] the conveyance and
2 carry out the trust, and [he] the judge shall execute a conveyance to [such] the person of [such lot,
3 piece or] the parcel of land without any expense to [such] the person, except the ordinary costs of
4 court. [Such] The conveyance, when so executed by any judge of the district court, shall pass to
5 [such] the person all the right, title, and interest so held in trust to [such lot, piece or] the parcel
6 of land to all intents and purposes and with the same effect as if a proper conveyance had been
7 executed after proper proceedings in the manner provided by law.

8 (2) Notwithstanding the provisions of Subsection(1), where no taxes have been assessed
9 against any parcel of land, payment of taxes is not required for the applicant to be considered the
10 rightful owner of the land. However, in a case where no taxes have been assessed against the land
11 in question, legal title shall not be conveyed to the applicant unless the court finds that:

12 (a) the application is not opposed by any of the landowners that are adjacent to the parcel
13 of land in question; and

14 (b) the transfer of legal title to the applicant is not detrimental to the public interest.

Legislative Review Note
as of 2-5-98 11:14 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel