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♣ 01-26-99 12:41 PM ♣

1	MARKETABLE RECORDS TITLE ACT
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Thomas V. Hatch
5	AN ACT RELATING TO THE MARKETABLE RECORDS TITLE ACT; EXEMPTING STATE
6	SOVEREIGN LANDS FROM THE OPERATION OF THE ACT.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	AMENDS:
9	57-9-2, as last amended by Chapter 299, Laws of Utah 1995
10	57-9-6, as last amended by Chapter 299, Laws of Utah 1995
11	Be it enacted by the Legislature of the state of Utah:
12	Section 1. Section <b>57-9-2</b> is amended to read:
13	57-9-2. Rights and interests to which marketable record title is subject.
14	The marketable record title is subject to:
15	(1) all interests and defects which are inherent in the muniments of which such chain of
16	record title is formed, except that a general reference in the muniments or any of them, to
17	easements, use restrictions, or other interests created prior to the root of title is not sufficient to
18	preserve them, unless specific identification is made therein of a recorded title transaction which
19	creates the easement, use restriction, or other interest;
20	(2) all interests preserved by the filing of proper notice or by possession by the same owner
21	continuously for a period of 40 years or more, in accordance with Section 57-9-4;
22	(3) the rights of any person arising from prescriptive use or a period of adverse possession
23	or user, which was in whole or in part subsequent to the effective date of the root of title;
24	(4) any interest arising out of a title transaction which has been recorded subsequent to the
25	effective date of the root of title from which the unbroken chain of title of record is started, except
26	that the recording does not revive or give validity to any interest which has been extinguished prior
27	to the time of the recording by the operation of Section 57-9-3; and

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28	(5) the exceptions stated in Section 57-9-6 as to rights of reversioners in leases, as to
29	apparent easements and interests in the nature of easements, as to the right, title, or interests of the
30	state in school or institutional trust lands or sovereign lands, and as to interests of the United
31	States.
32	Section 2. Section <b>57-9-6</b> is amended to read:
33	57-9-6. Applicability of provisions.
34	This act may not be applied to bar:
35	(1) any lessor or his successor as a reversioner of his right to possession on the expiration
36	of any lease; or
37	(2) extinguish any easement or interest in the nature of an easement created or held for any
38	pipeline, highway, railroad or public utility purpose, or any easement or interest in the nature of
39	an easement, the existence of which is clearly observable by physical evidence of its use; or
40	(3) extinguish any water rights, whether evidenced by decrees, by certificates of
41	appropriation, by diligence claims to the use of surface or underground water or by water users'
42	claims filed in general determination proceedings; or
43	(4) extinguish any right, title, estate, or interest in and to minerals, and any development,
44	mining, production or other rights or easements related to the minerals or exercisable in connection
45	with the minerals; or
46	(5) any right, title, or interest of the state in school or institutional trust lands or sovereign
47	lands; or
48	(6) any right, title, or interest of the United States, by reason of failure to file the notice
49	herein required.

## Legislative Review Note as of 1-25-99 5:31 PM

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

## Office of Legislative Research and General Counsel