



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 71 be amended to read as follows:

- 1 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 2 "**(c) A notice under subsection (b)(4) shall include the following**
- 3 **information:**
- 4 **(1) A legal survey was performed of an adjoining property**
- 5 **under this section.**
- 6 **(2) The plat of the legal survey was filed with the county**
- 7 **surveyor for entry into the legal survey record book.**
- 8 **(3) The lines located and established pursuant to this section**
- 9 **are binding on all landowners affected, as well as the**
- 10 **landowners' respective heirs and assigns, unless an appeal is**
- 11 **taken pursuant to section 14 of this chapter.**
- 12 **(4) An appeal under section 14 of this chapter must be made**
- 13 **to the circuit court of the county in which the surveyed**
- 14 **property is located not later than:**
- 15 **(A) ninety (90) days after the notice of filing, if the**
- 16 **landowner appealing the legal survey is a resident of the**
- 17 **county; or**
- 18 **(B) one (1) year, if the landowner appealing the legal**
- 19 **survey is a not a resident of the county.**
- 20 **(5) If the affected landowner has reason to believe that the**
- 21 **landowner has a claim of title under adverse possession, the**
- 22 **landowner must:**
- 23 **(A) file a claim in a court with proper jurisdiction; or**
- 24 **(B) record an affidavit under IC 36-2-11-19(a)(4) or a deed**
- 25 **reflecting the claim of adverse possession in the office of**
- 26 **the recorder of the county in which the property is located;**
- 27 **prior to the end of the applicable time period provided in**
- 28 **subdivision (4).**

1           **(6) An affected landowner may not bring a claim of title under**  
2           **adverse possession against the state or a political subdivision.**  
3       **The notice shall also include a legible copy of the plat of the legal**  
4       **survey."**

5           Page 2, line 36, strike "(c)" and insert "**(d)**".  
            (Reference is to SB 71 as printed January 24, 2020.)

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Senator DORIOT