

HB 1748 -- Abandoned Property

Sponsor: Walton Gray

This bill specifies that abandonment of property may take the form of a discontinuance, waiver, or relinquishment of any and all ownership, title, interest, claim, privilege, possession, or right in land, buildings, real estate, or real property by any person claiming ownership or a right in the land or property.

An individual who has ownership rights may relinquish those rights by filing a notarized notice that states facts that constitute an abandonment with the recorder of deeds of the county in which the land or property is located. The filing of a notice of abandonment will prevent the person from accruing any future obligation or legal liability arising out of or pertaining to the maintenance or condition of the land or property. The filing of a notice does not relieve the person from any personal obligation or liability that vested prior to the filing of the notice of abandonment.

Once a notice of abandonment has been filed or a declaratory judgment of abandonment by a court has been entered, the recorder of deeds must post a notice of abandonment on the property and mail a notice of abandonment to specified individuals and entities. The notice must include a reprint of these provisions and the abandoning party must pay \$50 to cover the cost of the posting and mailing of the notices.

Subject to any liens on record, once a notice of abandonment is filed possession must vest in the following order:

- (1) Joint or co-owners or persons with joint or co-ownership, title, interest, claim, privilege, possession, or right in the abandoned land or property;
- (2) Any tenants or joint tenants in possession of the land or property;
- (3) Any owner or joint owners of land or property immediately abutting and adjoining the abandoned land or property;
- (4) Any owners or joint owners of land or property located in the same block as the abandoned land or property;
- (5) Any condominium association or subdivision trustees in which the land or property is located;
- (6) Any lienholder of the abandoned land or property;

(7) The city, town, village, or municipality in which the land or property is located; and

(8) The county in which the abandoned land or property is located.

An election to take title to the abandoned land or property must be in writing, notarized, and submitted to the recorder of deeds with any fees for recording and a \$100 fee.

The recorder of deeds must record the election to take ownership or the right to the abandoned land or property if the recorder is satisfied that the land or property has been abandoned and the elector is entitled to take ownership or the right to the land or property.