

FIRST REGULAR SESSION

HOUSE BILL NO. 948

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURST.

1974L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.060, 190.294, 198.300, 206.110, 260.1024, 442.070, 516.010, 516.030, 516.040, 516.070, 516.090, 527.150, and 527.180, RSMo, and to enact in lieu thereof nine new sections relating to the abolishment of the doctrine of adverse possession.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 190.060, 190.294, 198.300, 206.110, 260.1024, 442.070, 516.010, 516.030, 516.040, 516.070, 516.090, 527.150, and 527.180, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 190.060, 190.294, 198.300, 206.110, 260.1024, 442.070, 516.030, 516.090, and 527.150, to read as follows:

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, **or use [or adverse possession]**;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (4) To fix, charge and collect reasonable fees and compensation for the use of the
15 ambulance service according to the rules and regulations prescribed by the board from time to
16 time;

17 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
19 compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise
20 provided by the Constitution of the state of Missouri;

21 (6) To employ or enter into contracts for the employment of any person, firm, or
22 corporation, and for professional services, necessary or desirable for the accomplishment of the
23 objects of the district or the proper administration, management, protection or control of its
24 property;

25 (7) To maintain the ambulance service for the benefit of the inhabitants of the area
26 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and
27 regulations as may be necessary to render the highest quality of emergency medical care; to
28 exclude from the use of the ambulance service all persons who willfully disregard any of the
29 rules and regulations so established; to extend the privileges and use of the ambulance service
30 to persons residing outside the area of the district upon such terms and conditions as the board
31 of directors prescribes by its rules and regulations;

32 (8) To provide for health, accident, disability and pension benefits for the salaried
33 members of its organized ambulance district and such other benefits for the members' spouses
34 and minor children, through either, or both, a contributory or noncontributory plan. The type and
35 amount of such benefits shall be determined by the board of directors of the ambulance district
36 within the level of available revenue of the pension program and other available revenue of the
37 district. If an employee contributory plan is adopted, then at least one voting member of the
38 board of trustees shall be a member of the ambulance district elected by the contributing
39 members. The board of trustees shall not be the same as the board of directors;

40 (9) To purchase insurance indemnifying the district and its employees, officers,
41 volunteers and directors against liability in rendering services incidental to the furnishing of
42 ambulance services. Purchase of insurance pursuant to this section is not intended to waive
43 sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions
46 of section 70.615, for the volunteer members of any organized ambulance district and such other
47 benefits for their spouses and eligible unemancipated children, either through a contributory or
48 noncontributory plan, or both. For purposes of this section, "eligible unemancipated child"
49 means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled
50 with the insured, who is less than twenty-three years of age, who is not married, not employed

51 on a full-time basis, not maintaining a separate residence except for full-time students in an
52 accredited school or institution of higher learning, and who is dependent on parents or guardians
53 for at least fifty percent of his or her support. The type and amount of such benefits shall be
54 determined by the board of directors of the ambulance district within available revenues of the
55 district, including the pension program of the district. The provision and receipt of such benefits
56 shall not make the recipient an employee of the district. Directors who are also volunteer
57 members may receive such benefits while serving as a director of the district.

58 2. The use of any ambulance service of a district shall be subject to the reasonable
59 regulation and control of the district and upon such reasonable terms and conditions as shall be
60 established by its board of directors.

61 3. A regulatory ordinance of a district adopted pursuant to any provision of this section
62 may provide for a suspension or revocation of any rights or privileges within the control of the
63 district for a violation of any regulatory ordinance.

64 4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be
65 construed to authorize the district or board to establish or enforce any regulation or rule in
66 respect to the operation or maintenance of the ambulance service within its jurisdiction which
67 is in conflict with any federal or state law or regulation applicable to the same subject matter.

68 5. After August 28, 1998, the board of directors of an ambulance district that proposes
69 to contract for the total management and operation of the ambulance service, when that
70 ambulance district has not previously contracted out for said service, shall hold a public hearing
71 within a thirty-day period and shall make a finding that the proposed contract to manage and
72 operate the ambulance service will:

73 (1) Provide benefits to the public health that outweigh the associated costs;

74 (2) Maintain or enhance public access to ambulance service;

75 (3) Maintain or improve the public health and promote the continued development of
76 the regional emergency medical services system.

77 6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this
78 section and after a sixty-day period, the ambulance district may enter into the proposed contract,
79 however said contract shall not be implemented for at least thirty days.

80 (2) The provisions of subsection 5 of this section shall not apply to contracts which were
81 executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the
82 signing of a new contract with an ambulance service provider for services that were previously
83 contracted out.

84 7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding
85 basic life support ambulances shall require such ambulances to be equipped with an automated
86 external defibrillator and be staffed by at least one individual trained in the use of an automated
87 external defibrillator.

190.294. 1. The powers and duties of the emergency services board shall include, but
2 not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or maintenance of the
5 system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax authorized to be levied pursuant to
7 section 190.292 and authorizing disbursements from such moneys collected;

8 (4) Hiring any staff necessary for the implementation, upgrade or operation of the
9 system;

10 (5) Acquiring land in fee simple, rights in land and easements upon, over, or across land
11 and leasehold interests in land and tangible and intangible personal property used or useful for
12 the location, establishment, maintenance, development, expansion, extension, or improvement
13 of the central dispatching of emergency services. The acquisition may be by dedication,
14 purchase, gift, agreement, lease, **or** use[, or adverse possession];

15 (6) Borrowing money and issuing bonds, notes, certificates, or other evidences of
16 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
17 compliance with any condition or limitation set forth in sections 190.290 to 190.296 or otherwise
18 provided by the Constitution of Missouri;

19 (7) Suing and being sued, and to be party to suits, actions, and proceedings;

20 (8) Having and using a corporate seal;

21 (9) Entering into contracts, franchises, and agreements with any person, partnership,
22 association, or corporation, public or private, affecting the affairs of the board;

23 (10) Having the management, control, and supervision of all the business affairs of the
24 board and the construction, installation, operation, and maintenance of any improvements;

25 (11) Hiring and retaining agents and employees and providing for their compensation,
26 including health and pension benefits;

27 (12) Adopting and amending bylaws and any other rules and regulations;

28 (13) Paying all expenses connected with the first election and all subsequent elections;

29 (14) Having and exercising all rights and powers necessary or incidental to or implied
30 from the specific powers granted in this section. Such specific powers shall not be considered
31 as a limitation upon any power necessary or appropriate to carry out the purposes and intent of
32 sections 190.290 to 190.296;

33 (15) Maintaining central dispatching of emergency services for the benefit of the
34 inhabitants of the area comprising the district regardless of race, creed, or color, and to adopt
35 such reasonable rules and regulations as may be necessary to render the highest quality of the
36 central dispatching of emergency services; excluding from the use of the central dispatching of
37 emergency services all persons who willfully disregard any of the rules and regulations so

38 established; extending the privileges and use of the central dispatching of emergency services
39 to persons residing outside the area of the district upon such terms and conditions as the board
40 prescribes by its rules and regulations;

41 (16) Purchasing insurance indemnifying the district and its employees, officers,
42 volunteers, and directors against liability in rendering services incidental to the furnishing of
43 central dispatching of emergency services. Purchase of insurance pursuant to this section is not
44 intended to waive sovereign immunity, official immunity, or the Missouri public duty doctrine
45 defenses.

46 2. The administrative control and management of the moneys from any county sales tax
47 authorized to be levied pursuant to section 190.292 and the administrative control and
48 management of the central dispatching of emergency services shall rest solely with the board,
49 and the board shall employ all necessary personnel, affix their compensation and provide suitable
50 quarters and equipment for the operation of the central dispatching of emergency services from
51 the funds available for this purpose.

52 3. The board may contract to provide services relating in whole or in part to central
53 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

54 4. The board shall elect a vice chairman, treasurer, secretary and such other officers as
55 it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount
56 to be determined and in a form to be approved by the board for the faithful performance of the
57 treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands.
58 The treasurer shall enter into the surety bond with a surety company authorized to do business
59 in Missouri, and the cost of such bond shall be paid by the board of directors.

60 5. The board may accept any gift of property or money for the use and benefit of the
61 central dispatching of emergency services, and the board is authorized to sell or exchange any
62 such property which it believes would be to the benefit of the service so long as the proceeds are
63 used exclusively for central dispatching of emergency services. The board shall have exclusive
64 control of all gifts, property or money it may accept; of all interest of other proceeds which may
65 accrue from the investment of such gifts or money or from the sale of such property; of all tax
66 revenues collected by the county on behalf of the central dispatching of emergency services; and
67 of all other funds granted, appropriated or loaned to it by the federal government, the state or its
68 political subdivisions so long as such resources are used solely to benefit the central dispatching
69 of emergency services.

70 6. Any board member may, following notice and an opportunity to be heard, be removed
71 from any office by a majority vote of the other members of the board for any of the following
72 reasons:

73 (1) Failure to attend five consecutive meetings, without good cause;

74 (2) Conduct prejudicial to the good order and efficient operation of the central
75 dispatching of emergency services; or

76 (3) Neglect of duty.

77 7. The chairperson of the board shall preside at such removal hearing, unless the
78 chairperson is the person sought to be removed, in which case the hearing shall be presided over
79 by another member elected by a majority vote of the other board members. All interested parties
80 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by
81 oath or affirmation before testifying. Any interested party may, at his or her own expense, record
82 the proceedings.

83 8. Vacancies on the board occasioned by removals, resignations or otherwise shall be
84 filled by the remaining members of the board. The appointee or appointees shall act until the
85 next election at which a director or directors are elected to serve the remainder of the unexpired
86 term.

87 9. Individual board members shall not be eligible for employment by the board within
88 twelve months of termination of service as a member of the board.

89 10. No person shall be employed by the board who is related within the fourth degree
90 by blood or by marriage to any member of the board.

91 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
92 created under the authority delegated in sections 190.300 to 190.341 shall become effective only
93 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
94 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
95 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
96 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
97 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

98 12. This section shall only apply to any county of the third classification without a
99 township form of government and with more than twenty-four thousand five hundred but less
100 than twenty-four thousand six hundred inhabitants.

198.300. 1. A nursing home district shall have and exercise the following governmental
2 powers, and all other powers incidental, necessary, convenient or desirable to carry out and
3 effectuate the express powers:

4 (1) To establish and maintain a nursing home within its corporate limits, and to
5 construct, acquire, develop, expand, extend and improve the nursing home;

6 (2) To acquire or convey land or structures in fee simple, rights in land and easements
7 upon, over or across land and leasehold interests in land and tangible and intangible personal
8 property used or useful for the location, establishment, maintenance, development, expansion,
9 extension or improvement of any nursing home. The acquisition may be by dedication, purchase,

10 gift, agreement, lease, ~~or~~ use [or adverse possession] , or by condemnation. The conveyance may
11 be by deed or lease;

12 (3) To operate, maintain and manage the nursing home, and to make and enter into
13 contracts for the use, operation or management of and to provide rules and regulations for the
14 operation, management or use of the nursing home;

15 (4) To fix, charge and collect reasonable fees and compensation for the use or occupancy
16 of the nursing home or any part thereof, and for nursing care, medicine, attendance, or other
17 services furnished by the nursing home, according to the rules and regulations prescribed by the
18 board from time to time;

19 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of
20 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
21 compliance with any condition or limitation set forth in sections 198.200 to 198.350 or otherwise
22 provided by the Constitution of the state of Missouri;

23 (6) To employ or enter into contracts for the employment of any person, firm, or
24 corporation, and for professional services, necessary or desirable for the accomplishment of the
25 corporate objects of the district or the proper administration, management, protection or control
26 of its property;

27 (7) To maintain the nursing home for the benefit of the inhabitants of the area
28 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and
29 regulations as may be necessary to render the use of the nursing home of the greatest benefit to
30 the greatest number; to exclude from the use of the nursing home all persons who willfully
31 disregard any of the rules and regulations so established; to extend the privileges and use of the
32 nursing home to persons residing outside the area of the district upon such terms and conditions
33 as the board of directors prescribes by its rules and regulations;

34 (8) To police its property and to exercise police powers in respect thereto or in respect
35 to the enforcement of any rule or regulation provided by the ordinances of the district and to
36 employ and commission police officers and other qualified persons to enforce the same.

37 2. The use of any nursing home of a district shall be subject to the reasonable regulation
38 and control of the district and upon such reasonable terms and conditions as shall be established
39 by its board of directors.

40 3. A regulatory ordinance of a district adopted under any provision of this section may
41 provide for a suspension or revocation of any rights or privileges within the control of the district
42 for a violation of any regulatory ordinance.

43 4. Nothing in this section or in other provisions of sections 198.200 to 198.350 shall be
44 construed to authorize the district or board to establish or enforce any regulation or rule in
45 respect to the operation or maintenance of the nursing home within its jurisdiction which is in
46 conflict with any federal or state law or regulation applicable to the same subject matter.

206.110. 1. A hospital district, both within and outside such district, except in counties of the third or fourth classification (other than within the district boundaries) where there already exists a hospital organized pursuant to chapters 96, 205 or this chapter; provided, however, that this exception shall not prohibit the continuation or expansion of existing activities otherwise allowed by law, shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain a hospital or hospitals and hospital facilities, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility including medical office buildings to provide offices for rental to physicians and dentists on the district hospital's medical or dental staff, and the providing of sites therefor, including offstreet parking space for motor vehicles;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interest in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of any hospital or hospital facility. The acquisition may be by dedication, purchase, gift, agreement, lease, or use [or adverse possession] , or by condemnation;

(3) To operate, maintain and manage a hospital and hospital facilities, and to make and enter into contracts, for the use, operation or management of a hospital or hospital facilities; to engage in health care activities; and to make and enter into leases of equipment and real property, a hospital or hospital facilities, as lessor or lessee, regardless of the duration of such lease; and to provide rules and regulations for the operation, management or use of a hospital or hospital facilities. Any agreement entered into pursuant to this [subsection] **subdivision** pertaining to the lease of the hospital shall have a definite termination date as negotiated by the parties, but this shall not preclude the trustees from entering into a renewal of the agreement with the same or other parties pertaining to the same or other subjects upon such terms and conditions as the parties may agree;

(4) To fix, charge and collect reasonable fees and compensation for the use or occupancy of the hospital or any part thereof, or any hospital facility, and for nursing care, medicine, attendance, or other services furnished by the hospital or hospital facilities, according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in this chapter or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the

37 corporate objects of the district or the proper administration, management, protection or control
38 of its property;

39 (7) To maintain the hospital for the benefit of the inhabitants of the area comprising the
40 district who are sick, injured, or maimed regardless of race, creed or color, and to adopt such
41 reasonable rules and regulations as may be necessary to render the use of the hospital of the
42 greatest benefit to the greatest number; to exclude from the use of the hospital all persons who
43 willfully disregard any of the rules and regulations so established; to extend the privileges and
44 use of the hospital to persons residing outside the area of the district upon such terms and
45 conditions as the board of directors prescribes by its rules and regulations;

46 (8) To police its property and to exercise police powers in respect thereto or in respect
47 to the enforcement of any rule or regulation provided by the ordinances of the district and to
48 employ and commission police officers and other qualified persons to enforce the same;

49 (9) To lease to or allow for any institution of higher education to use or occupy the
50 hospital, any real estate or facility owned or leased by the district or any part thereof for the
51 purpose of health care-related and general education or training.

52 2. The use of any hospital or hospital facility of a district shall be subject to the
53 reasonable regulation and control of the district and upon such reasonable terms and conditions
54 as shall be established by its board of directors.

55 3. A regulatory ordinance of a district adopted under any provision of this section may
56 provide for a suspension or revocation of any rights or privileges within the control of the district
57 for a violation of any such regulatory ordinance.

58 4. Nothing in this section or in other provisions of this chapter shall be construed to
59 authorize the district or board to establish or enforce any regulation or rule in respect to
60 hospitalization or the operation or maintenance of such hospital or any hospital facilities within
61 its jurisdiction which is in conflict with any federal or state law or regulation applicable to the
62 same subject matter.

260.1024. 1. An environmental covenant is perpetual unless it is:

2 (1) By its terms, limited to a specific duration or terminated by the occurrence of a
3 specific event;

4 (2) Terminated by consent under section 260.1027;

5 (3) Terminated by subsection 2 of this section;

6 (4) Terminated by foreclosure of an interest that has priority over the environmental
7 covenant; or

8 (5) Terminated or modified in an eminent domain proceeding, but only if:

9 (a) The department that signed the covenant is a party to the proceeding;

10 (b) All persons identified in section 260.1027 are given notice of the pendency of the
11 proceeding; and

12 (c) The court determines, after hearing, that the termination or modification will not
13 adversely affect human health, public welfare, or the environment.

14 2. If the department that signed an environmental covenant has determined that the
15 intended benefits of the covenant can no longer be realized, a court, under the doctrine of
16 changed circumstances, in an action in which all persons identified in section 260.1027 have
17 been given notice, may terminate the covenant or reduce its burden on the real property subject
18 to the covenant. The department's determination or its failure to make a determination upon
19 request is subject to review under chapter 536.

20 3. Except as otherwise provided in subsections 1 and 2 of this section, an environmental
21 covenant may not be extinguished, limited, or impaired through issuance of a tax deed,
22 foreclosure of a tax lien, or application of the doctrine of [adverse possession,] prescription,
23 abandonment, waiver, lack of enforcement, or acquiescence, or any similar doctrine.

24 4. An environmental covenant may not be extinguished, limited, or impaired by the
25 application of chapter 442 or chapter 444.

442.070. Any person claiming title to real estate may[, notwithstanding there may be an
2 adverse possession thereof,] sell and convey his interest therein, in the same manner and with
3 like effect as if he was in the actual possession thereof.

516.030. If any person entitled to commence any action in [sections 516.010 and] **section**
2 516.090 specified or to make any entry be, at the time such right or title shall first descend or
3 accrue, either within the age of eighteen years, or mentally incapacitated, the time during which
4 such disability shall continue shall not be deemed any portion of the time in [sections 516.010
5 to] **section** 516.090 limited for the commencement of such action or the making of such entry;
6 but such person may bring such action or make such entry after the time so limited, and within
7 three years after such disability is removed; provided, that no such action shall be commenced,
8 had or maintained or entry made by any person laboring under the disabilities specified in this
9 section, after twenty-one years after the cause of such action or right of entry shall have accrued.

516.090. Nothing contained in any statute of limitation shall extend to any lands given,
2 granted, sequestered, or appropriated to any public, pious, or charitable use, or to any lands
3 belonging to this state. [This section shall be construed to prohibit any judgment granting
4 adverse possession to a claimant where the defendant possesses an interest in land described in
5 a recorded deed and is a public utility as defined in section 386.020, or is a rural electric
6 cooperative as defined in chapter 394, or is an organization operating under section 394.200.]

527.150. 1. **Except as provided in subsection 2 of this section,** any person claiming
2 any title, estate or interest in real property, whether the same be legal or equitable, certain or
3 contingent, present or in reversion, or remainder, whether in possession or not, may institute an
4 action against any person or persons having or claiming to have any title, estate or interest in
5 such property, whether in possession or not, to ascertain and determine the estate, title and

6 interest of said parties, respectively, in such real estate, and to define and adjudge by its judgment
7 or decree the title, estate and interest of the parties severally in and to such real property.

8 2. **Notwithstanding any provision of law or case law, the doctrine of adverse**
9 **possession shall not apply in the state of Missouri and no person shall claim any title,**
10 **estate, or interest in real property based upon adverse possession, nor shall any such**
11 **person institute any action based upon a claim of adverse possession against any person**
12 **or persons having or claiming to have any title, estate, or interest in property.**

13 3. And upon the trial of such cause, if same be asked for in the pleadings of either party,
14 the court may hear and finally determine any and all rights, claims, interest, liens and demands,
15 whatsoever of the parties, or of any one of them, concerning or affecting said real property, and
16 may award full and complete relief, whether legal or equitable, to the several parties, and to each
17 of them, as fully and with the same force and effect as the court might or could in any other or
18 different action brought by the parties, or any one of them, to enforce any such right, claim,
19 interest, lien or demand, and the judgment or decree of the court when so rendered shall be as
20 effectual between the parties thereto as if rendered in any other, different or separate action
21 prosecuted therefor.

2 [516.010. No action for the recovery of any lands, tenements or
3 hereditaments, or for the recovery of the possession thereof, shall be commenced,
4 had or maintained by any person, whether citizen, denizen, alien, resident or
5 nonresident of this state, unless it appear that the plaintiff, his ancestor,
6 predecessor, grantor or other person under whom he claims was seized or
7 possessed of the premises in question, within ten years before the commencement
8 of such action.]

2 [516.040. The possession, under color of title, of a part of a track or lot
3 of land, in the name of the whole tract claimed, and exercising, during the time
4 of such possession, the usual acts of ownership over the whole tract so claimed,
5 shall be deemed a possession of the whole of such tract.]

2 [516.070. Whenever any real estate, the equitable title to which shall
3 have emanated from the government more than ten years, shall thereafter, on any
4 date, be in the lawful possession of any person, and which shall or might be
5 claimed by another, and which shall not at such date have been in possession of
6 the said person claiming or who might claim the same, or of anyone under whom
7 he claims or might claim, for thirty consecutive years, and on which neither the
8 said person claiming or who might claim the same nor those under whom he
9 claims or might claim has paid any taxes for all that period of time, the said
10 person claiming or who might claim such real estate shall, within one year from
11 said date, bring his action to recover the same, and in default thereof he shall be
12 forever barred, and his right and title shall, ipso facto, vest in such possessor;
provided, however, that in all cases such action may be brought at any time

13 within one year from the date at which this section takes effect and goes into
14 force.]

15

2 [527.180. In all cases when, under the provisions of section 516.070, the
3 title or claim of any person out of possession of any real estate shall be barred by
4 limitation, and the title thereto has vested in the party in possession, or the party
5 under whom he claims, under the provisions of said section, the party holding the
6 title which has vested by limitation under the provisions of said section may bring
7 his action in the circuit court of the county in which the real estate is situated, to
8 have his record title thereto perfected, and it shall be sufficient for him to state
9 in his petition that he holds the title to such real estate, and that the same has
10 vested in him or those under whom he claims, by limitation under the provisions
11 of said section, and in such action it shall not be necessary to make any person
12 a party defendant except such persons as may appear to have of record a claim or
13 title adverse to that of plaintiff, and upon the trial of such cause, proof of the
14 facts, showing title in plaintiff by limitation by reason of the provisions of said
15 section, shall entitle him to a decree of the court declaring his title by limitation
16 under the provisions of said section, and a copy of such decree may be entered
17 of record in the office of the recorder of deeds for said county, and in any such
18 action service of process may be had as provided in chapter 506 in causes
19 affecting real estate, and if in any case the person whose adverse claim appears
20 of record shall be dead, then the heirs or devisees of such person, or those
21 claiming by, through or under him or them, if known, shall be made defendants,
22 as adverse claimants, and if they be unknown to plaintiff, then he shall allege in
23 his petition, under oath, that there are, or that he verily believes there are, persons
24 interested in the subject matter of the petition as heirs or devisees of deceased,
25 or as claiming by, through or under him or them, whose names he cannot insert
26 therein because they are unknown to him, and shall describe the interest of such
27 person, and how derived, so far as his knowledge extends, and service of process
28 on such unknown person shall be had as in said chapter 506 is provided in case
29 of unknown parties, and when such service shall be had, judgment and decree
shall be rendered the same as though personal service had been had.]

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