

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of Pa.R.C.P. No. 1065.1

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P. No. 1065.1 governing the form notice required by Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by **January 18, 2019**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Civil Procedural Rules Committee,

David L. Kwass
Chair

(This is an entirely new rule.)

Rule 1065.1. Notice. Claim for Adverse Possession.

(a) This rule governs an action to quiet title of property pursuant to Section 5527.1 of the Judicial Code, 42 Pa.C.S. §5527.1.

Note: Section 5527.1 of the Judicial Code permits a plaintiff to seek to acquire title to real property or a contiguous lot to real property by commencing an action to quiet title if the party has adversely possessed the real property or contiguous lot for a period of not less than ten years.

(b) As used in this rule,

“plaintiff” means the possessor of real property who is seeking to quiet title to real property or a contiguous lot to real property that he or she has adversely possessed for a period of not less than ten years.

“defendant” means the owner, and the owner’s heirs, successors, and assigns, of the real property as recorded in the most recent deed filed in the Recorder of Deeds Office at the courthouse in county in which the real property is located.

(c) Upon satisfying the requirements of Section 5527.1(a)-(b) of the Judicial Code, the plaintiff may commence an action to quiet title and provide notice as required in subdivision (d) of this rule.

(d) The notice shall be substantially in the following form:

(CAPTION)

Notice Required by Section 5527.1 of the Judicial Code

To the above-named defendant:

The plaintiff in the above-captioned matter has filed an action to quiet title pursuant to Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1, seeking to acquire title by adverse possession of real property described as follows:

Street Address

City, State, Postal Zip Code

Deed Reference

Uniform Parcel Identifier or Tax Parcel Number

Metes and Bounds Description

If you wish to challenge the claim of adverse possession, you must respond to the action to quiet title within one year after this complaint and notice are served by commencing an action in ejectment against the plaintiff.

Explanatory Comment

The Civil Procedural Rules Committee is proposing new Rule 1065.1 setting forth the form notice required by Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1. Section 5527.1 provides for a ten-year limitation for adverse possession of real property under certain circumstances after which the adverse possessor may seek to acquire title to real property by filing an action to quiet title. Section 5527.1(c) requires the adverse possessor to provide notice relating to the respondent record owner's ability to cure the adverse possession. Section 5527.1(d) directs that the notice is to be provided in a form approved by rule of the Pennsylvania Supreme Court and must include the following information: (1) that the record owners or their heirs, successors, and assigns shall have one year in which to respond to the quiet title action by commencing an action in ejectment against the adverse possessor to dispute the claim of adverse possession, (2) the metes and bounds description of the property, (3) deed reference, (3) street address, (4) postal zip code, and (5) uniform parcel identifier or tax parcel number. Proposed new Rule 1065.1 is intended to incorporate the requirements of Section 5527.1(d).

By the Civil Procedural
Rules Committee

David L. Kwass
Chair