

#### **IC 34-41-4**

### **Chapter 4. Presumption of Validity of Record After Destruction of Deed**

#### **IC 34-41-4-1**

##### **Application of chapter**

Sec. 1. This chapter applies when the record or any part of the record of any action, proceeding, order, judgment, or decree of any court in Indiana:

- (1) in which title to real estate has been determined; or
- (2) upon the authority of which any administrator's, executor's, guardian's, commissioner's, trustee's, receiver's or other deed of conveyance has been executed;

has been destroyed.

*As added by P.L.1-1998, SEC.37.*

#### **IC 34-41-4-2**

##### **Presumption of validity**

Sec. 2. When a record or part of a record described in section 1 of this chapter is destroyed, it shall be presumed that:

- (1) the court proceedings by which the title to the real estate was established or the deed was executed and the record of which has been destroyed were in all things regular and legal; and
- (2) the court making the record and rendering the judgment or decree had jurisdiction of:
  - (A) the subject matter; and
  - (B) all the persons whose title the judgment, decree, or deed of conveyance assumes to determine or convey.

*As added by P.L.1-1998, SEC.37.*

#### **IC 34-41-4-3**

##### **Burden of proof**

Sec. 3. In an action attacking the validity of:

- (1) the title of or conveyance of real estate; or
- (2) any such record, judgment, or decree;

the record of which has been destroyed, the burden of proof is upon the person attacking the validity.

*As added by P.L.1-1998, SEC.37.*

#### **IC 34-41-4-4**

##### **Limitation of actions attacking validity**

Sec. 4. An action attacking the validity of:

- (1) an order, decree, or judgment described in section 1 of this chapter; or
- (2) the title established by or resulting from an order, decree, or judgment described in section 1 of this chapter;

must be brought not later than one (1) year after the date of the destruction of the record.

*As added by P.L.1-1998, SEC.37.*