

IC 32-20-3

Chapter 3. Interests in Title

IC 32-20-3-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 2 of this chapter by P.L.18-2008 apply only to determinations of marketable record title after June 30, 2008.

As added by P.L.220-2011, SEC.521.

IC 32-20-3-1

Unbroken chain of title; definition

Sec. 1. A person who has an unbroken chain of title of record to an interest in land for at least fifty (50) years has a marketable record title to that interest, subject to section 2 of this chapter. A person is considered to have this unbroken chain of title when:

- (1) the official public records disclose a title transaction of record that occurred at least fifty (50) years before the time the marketability is determined; and
- (2) the title transaction purports to create an interest in:
 - (A) the person claiming the interest; or
 - (B) a person from whom, by one (1) or more title transactions of record, the purported interest has become vested in the person claiming the interest;with nothing appearing of record purporting to divest the claimant of the purported interest.

As added by P.L.2-2002, SEC.5.

IC 32-20-3-2

Interests and defects affecting marketable record title

Sec. 2. Marketable record title is subject to the following:

- (1) All interests and defects that are inherent in the muniments of which the chain of record title is formed. However, a general reference in the muniments, or any one (1) of them, to:
 - (A) easements;
 - (B) use restrictions; or
 - (C) other interests created before the root of title; is not sufficient to preserve them, unless specific identification is made in the muniments of a recorded title transaction that creates the easement, use restriction, or other interest.
- (2) All interests preserved by:
 - (A) the filing of proper notice; or
 - (B) possession by the same owner continuously for at least fifty (50) years, in accordance with IC 32-20-4-1.
- (3) The rights of any person arising from adverse possession or adverse user, if the period of adverse possession or adverse user was wholly or partly subsequent to the effective date of the root of title.

- (4) Any interest arising out of a title transaction recorded after the effective date of the root of title from which the unbroken chain of title of record is started. However, the recording shall not revive or give validity to any interest that has been extinguished before the time of the recording by the operation of section 3 of this chapter.
- (5) The exceptions stated in IC 32-20-4-3 concerning:
 - (A) rights of reversioners in leases;
 - (B) rights of any lessee in and to any lease; and
 - (C) easements and interests in the nature of easements.
- (6) All interests of the department of environmental management arising from the recording of a restrictive covenant under IC 13, regardless of whether the recording occurred before July 1, 2008.

As added by P.L.2-2002, SEC.5. Amended by P.L.18-2008, SEC.2; P.L.220-2011, SEC.522.

IC 32-20-3-3

Transactions before root of title

Sec. 3. Subject to section 2 of this chapter, marketable record title is held by its owner and is taken by a person dealing with the land free and clear of all interests, claims, or charges whose existence depends upon any act, transaction, event, or omission that occurred before the effective date of the root of title. All the interests, claims, or charges, however denominated, whether:

- (1) legal or equitable;
- (2) present or future; or
- (3) asserted by a person who is:
 - (A) *sui juris* or under a disability;
 - (B) within or outside Indiana;
 - (C) natural or corporate; or
 - (D) private or governmental;

are void.

As added by P.L.2-2002, SEC.5.