

Article 01. QUIET TITLE, LAND BOUNDARIES, AND ADVERSE POSSESSION

Chapter 09.45 ACTIONS RELATING TO REAL PROPERTY

Sec. 09.45.010. Action to quiet title. A person in possession of real property, or a tenant of that person, may bring an action against another who claims an adverse estate or interest in the property for the purpose of determining the claim.

Sec. 09.45.015. Land adjoining highway reservation. (a) A conveyance of land after April 7, 1958, that, at the time the conveyance was made, adjoined a highway reservation listed in section 1 of Public Land Order 1613 of the Secretary of the Interior (April 7, 1958), is presumed to have conveyed land up to the center-line of the highway subject to any highway reservation created by Public Land Order 601 and any highway easement created by Public Land Order 1613.

(b) The burden of proof in litigation involving land adjoining a highway reservation created by Public Land Order 601 or a highway easement created by Public Land Order 1613 is on the person who claims that the conveyance did not convey an interest in land up to the center-line of the highway.

Sec. 09.45.020. Action to establish boundaries. When a dispute exists between two or more owners of adjacent or contiguous lands concerning the boundary lines of their lands, an owner may bring an action for the purpose of having the dispute determined and the boundary lines ascertained and marked.

Sec. 09.45.030. Appointment of referees to establish and mark boundaries. In an action to establish boundaries, the court shall appoint three disinterested referees, one of whom is a surveyor, to establish and mark the boundary lines as ascertained and determined by the court.

Sec. 09.45.040. Oaths and report of referees. Before entering upon the discharge of their duties, the referees shall file a written oath to faithfully and impartially perform their duties. After designating the boundary lines by proper marks, they shall file with the court a report describing the location of the marks.

Sec. 09.45.050. Court action on the referees' report. The report may be confirmed unless a party excepts to the report. Upon the hearing, the court may confirm, modify, or set aside the report,

and, in the latter case, may appoint new referees or refer the matter to the same referees with appropriate instructions.