

58-2612a. Plat of original town or addition thereto of record prior to June 30, 1934; presumptions, application. In all cases where a plat of any original town or addition thereto has been of record more than twenty-five (25) years and deeds executed by the person or corporation platting the same and conveying lots or blocks in said original town or addition have been of record more than twenty-five (25) years prior to the taking effect of this act, such deeds shall be conclusively presumed to have conveyed perfect title notwithstanding any defect in the title of the grantor therein or the failure of the grantor's spouse to join therein: *Provided*, That such presumption shall not be applied in any action brought within one (1) year from the date this act takes effect: *Provided further*, That such presumption shall not be applied to divest any person of possession who is in actual or constructive possession of such property: *Provided further*, That such presumption shall not be applied to any instrument filed of record prior to the recording of such plat, which conveys or reserves a mineral interest or a royalty interest.

In all cases where more than one (1) such plat has been filed on the same lands and conveyances covering lots or blocks therein and executed by the maker of one (1) of said plats have been of record more than twenty-five (25) years and no conveyance executed by the maker of the other plat is of record at the time of the taking effect of this act, the said conveyance of record shall be conclusively presumed to have conveyed a perfect title: *Provided*, That such presumption shall not be applied in any action brought within one (1) year from the date this act takes effect: *Provided further*, That such presumption shall not be applied to divest any person of possession who is in actual or constructive possession of such property: *Provided further*, That such presumption shall not be applied to any instrument filed of record prior to the recording of such plat which conveys or reserves a mineral interest or royalty interest.

History: L. 1959, ch. 262, § 1; June 30.