

**58-3404. Validity of certain interests.** A marketable record title shall be subject to:

(a) All interests and defects which are inherent in the muniments of which the chain of record title is formed, but a general reference in any muniment to an interest created prior to the root of title shall not be sufficient to preserve the interest, unless specific identification is made in the muniment of a recorded title transaction which creates the interest;

(b) all interests preserved by the filing of proper notice or by possession by the same owner continuously for a period of 25 years or more, in accordance with K.S.A. 58-3406 and amendments thereto;

(c) the rights of any person arising from a period of adverse possession or user, which was in whole or in part subsequent to the effective date of the root of title;

(d) any interest arising out of a title transaction which has been recorded subsequent to the effective date of the root of title from which the unbroken chain of title of record is started, except that the recording shall not revive or give validity to any interest which has been extinguished prior to the time of the recording by the operation of K.S.A. 58-3405 and amendments thereto; and

(e) the exceptions stated in K.S.A. 58-3408 and amendments thereto.

**History:** L. 1973, ch. 227, § 4; L. 1975, ch. 298, § 1; L. 1984, ch. 206, § 3; July 1.