VIII. ADVERSE POSSESSION

A. GENERAL

1. **Definition.** Adverse possession is a legal means of acquiring title to real property through the exercise of _____ and use, and other required elements, for a statutory period of time.

2. **Status of Adverse Possessor.** Until a person has met all the elements of adverse possession, the person merely holds the status of a _____. The landowner has the legal right to have the person ejected until the statutory period has passed. Once the person has met all the elements, title to the land passes to the adverse possessor. However, to have the new title recorded in the county land records, the adverse possessor must bring a _____ action against the person who owned the land at the time the adverse possessor acquired title. The judgment declaring title in the adverse possessor can then be recorded.

B. ELEMENTS

1. **Actual Entry.** The adverse possessor must actually enter the land. Adverse possession cannot occur unless the landowner has a cause of action for _____.

   a. Usually the adverse possessor can only make a claim to land on which there is a _____.

   b. Where the adverse possessor enters under _____ (i.e., the person has entered under the authority of a legally defective document that grants title), the adverse possessor can claim more land than physically entered by using the doctrine of _____. Some physical entry must occur.

2. **Exclusive.** Possession must be exclusive of the _____ and the public at large.

3. **Open and Notorious.** Use and possession of the property must be open and notorious, meaning that the acts are of such a nature that they give the owner _____ of the adverse possessor's claim.

4. **Adverse and Under a Claim of Right.** Use of the land must be adverse (or hostile) to the true owner and under a _____. Adversity means that the use is without the landowner's permission. Claim of right varies by jurisdiction.

SAMPLE PAGE: Interactive Property, Outline with Blanks

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