Adverse Possession

Adverse possession is a legal doctrine by which one can claim legal title to another's property without paying for it. A landowner’s failure to exercise and defend his property rights for a certain period may result in the permanent loss of the landowner's interest in the property. Specifically, title of land is acquired by adverse possession as a result of the lapse of the statute of limitations for ejectment (a lawsuit brought to remove a party who is occupying real property). An easy way to remember the elements for adverse possession is by using the acronym OCEAN. Open (and notorious) Continuous Exclusive Actual Non-permissive (hostile and adverse)   CREATIVE AUDIO The X man came here to use this property after spotting the alluring advertisement possum. But he found the doors were closed when he arrived, so he notoriously kicked them open and hung an open sign to legitimize his entry and claim possession. The only other person he came across was not permissive of his entry, so he took the man hostage in order to stay. And he intended to continue his stay for quite some time, bringing his sleeping bag and infinity brand shoes. He quickly made this property his home by decorating it with a statue clock. It served as reminder for the amount of time he had possessed this amazing find. He loved being surrounded by the ocean, as it not only encompassed the land, but every idea behind the means used to possess it.



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Exclusive use of the property
X face man
The adverse possessor cannot occupy the land concurrent with the true owner. The adverse possessor is not required to exclude others from the land in order to claim exclusive use, but during the statutory period the person claiming title by adverse possession must have been the only person to treat the land in the manner of an owner.

Actual entry and possession
Enter sign and him stepping through the door
Entry on the land, whether legal or not, is required. Adverse possession consists of actual occupation of the land with the intent to keep it solely for oneself.

Open and Notorious
The doors kicked wide open and the open sign hanging on the door
The adverse possessor's use of the land must occur in a manner that is capable of being seen. There can be constructive notice for adverse possession. The owner does not actually have to witness the adverse possessor's acts use of the land, but had the actual owner or members of the public been in a position to see the acts, those acts must have been visible.

Continuous stay
Sleeping bag and infinity sign on the shoe
Continuous means regular, uninterrupted use of the land. Occasional or sporadic use is not enough. The required period of uninterrupted possession is governed by the statute of limitations.

Non-permissive or hostile
Hostage
The use of the land must be in conflict with the interests of the true owner. Adverse possession claims will not stand where the adverse possessor is engaged in permissive use of another's land.

Statute of limitations
Statue with clock
The amount of time the adverse possessor must hold the land to successfully claim adverse possession.

OCEAN
The blue ocean
A good mnemonic to reinforce the elements of adverse possession.

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