



PO Box 278
Cottleville, MO 63338
Phone (636) 922.1001
Fax (636) 922.1002
Mobile (636) 357.5062
Inbox@CardinalSurveying.com

Adverse Possession Reference Guide

Adverse Possession defined:

- A method of acquiring title to real property by possession for a statutory period under certain conditions, esp. a non-permissive use of the land with a claim of right when that use is continuous, exclusive, hostile, open, and notorious.
- The adverse claimant is charged with the burden of proof.
- Unless a statute provides otherwise, adverse possession does not run against the United States or a state, county, or city and usually not against quasi-public agencies, military stationed overseas, or individuals with disabilities.

Conditions that must be met:

- ACTUAL POSSESSION – Definition: Physical occupancy or control over property.
- OPEN AND NOTORIOUS POSSESSION – Definition: Possession or control that is evident to others (Notorious: well known)
- CONTINUOUS POSSESSION – Definition: The uninterrupted use of land
- HOSTILE POSSESSION – Definition: Possession asserted against the claims of all others, including the record owner. “Intent to take title” and/or “Intent to deliberately take land (theft)
- EXCLUSIVE POSSESSION – Definition: The exercise of exclusive dominion over property, including the use and benefit of the property.

STATUTES OF LIMITATION:

- 516.010. No action for the recovery of any lands, tenements or hereditaments, or for the recovery of the possession thereof, shall be commenced, had or maintained by any person, whether citizen, denizen, alien, resident or nonresident of this state, unless it appear that the plaintiff, his ancestor, predecessor, grantor, or other person under whom he claims was seized or possessed of the premises in question, within **ten years** before the commencement of such action.