

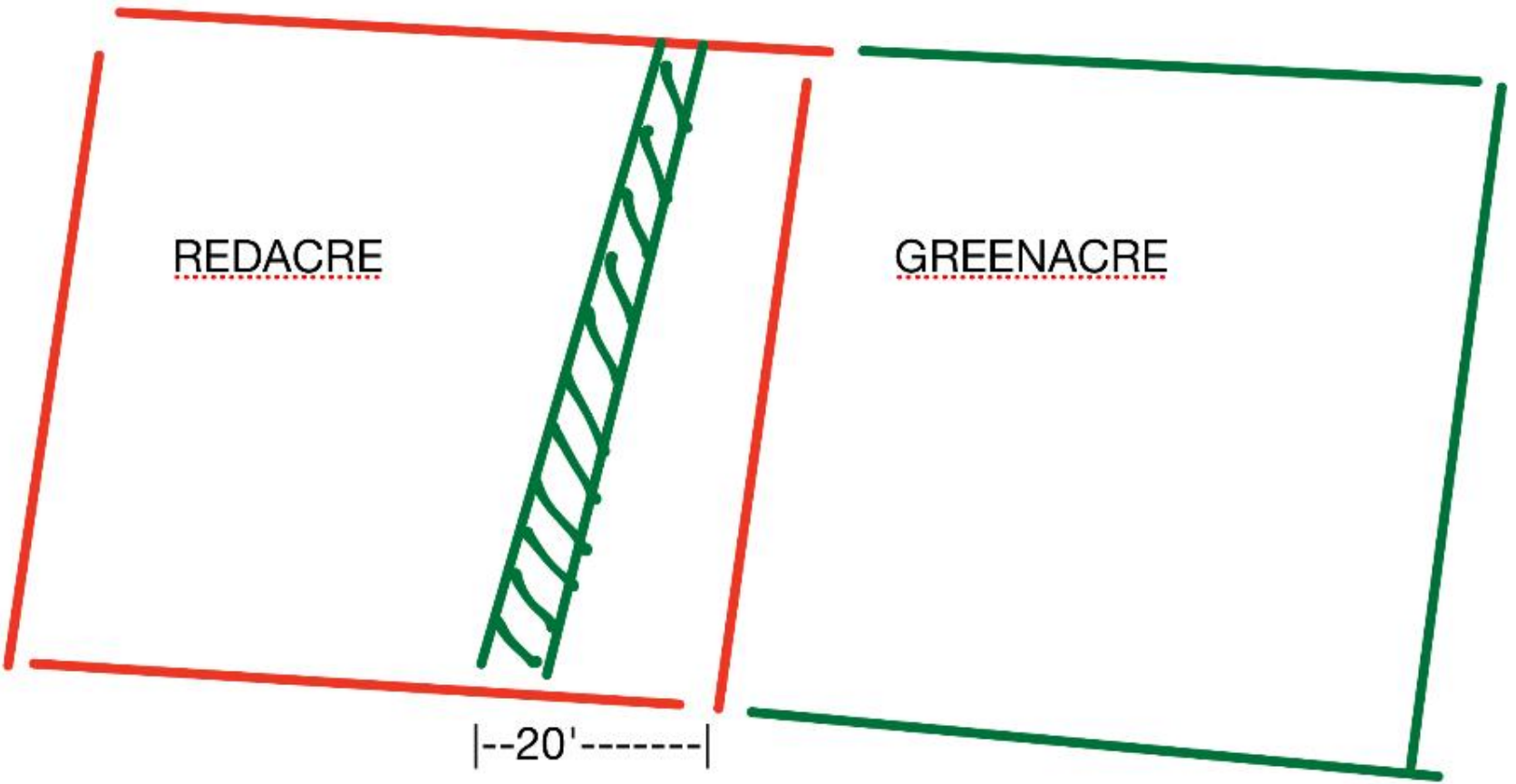


Adverse Possession



REDACRE

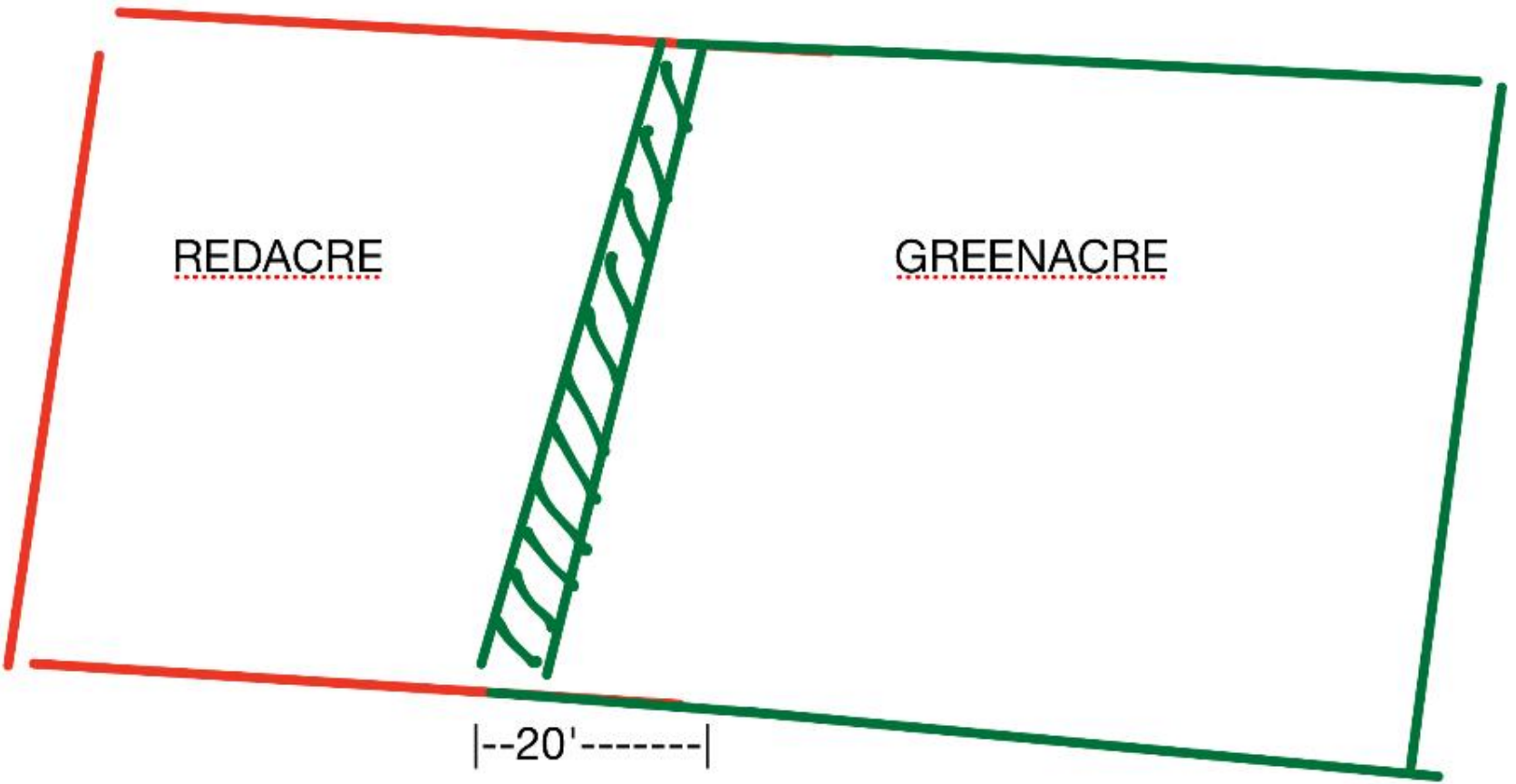
GREENACRE



REDACRE

GREENACRE

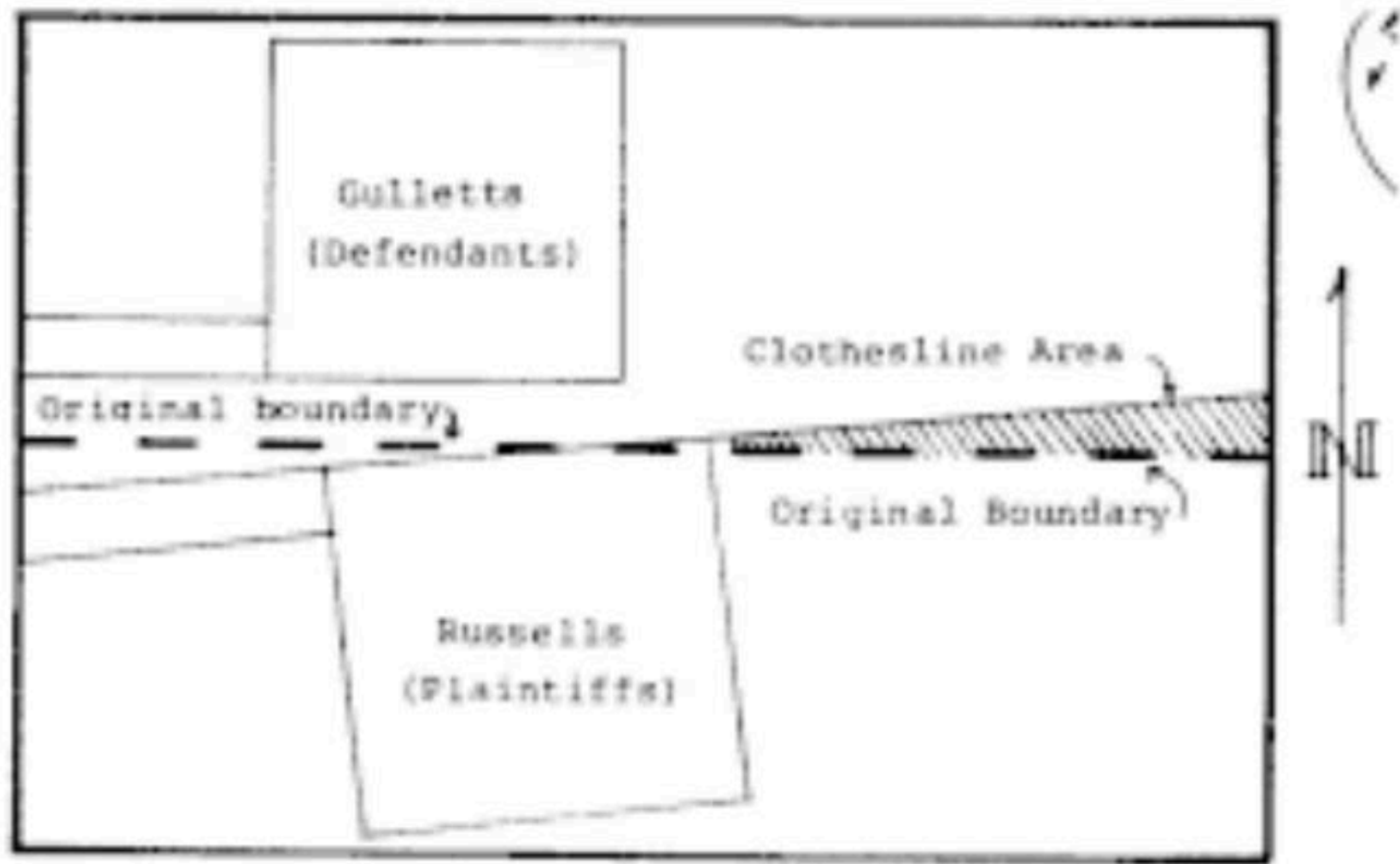
|--20'-----|



REDACRE

GREENACRE

|--20'-----|



Origins

- "Lost Grant Fiction"
- Promotes efficient use
- Maintain the status quo



EASEMENT BY PRESCRIPTION

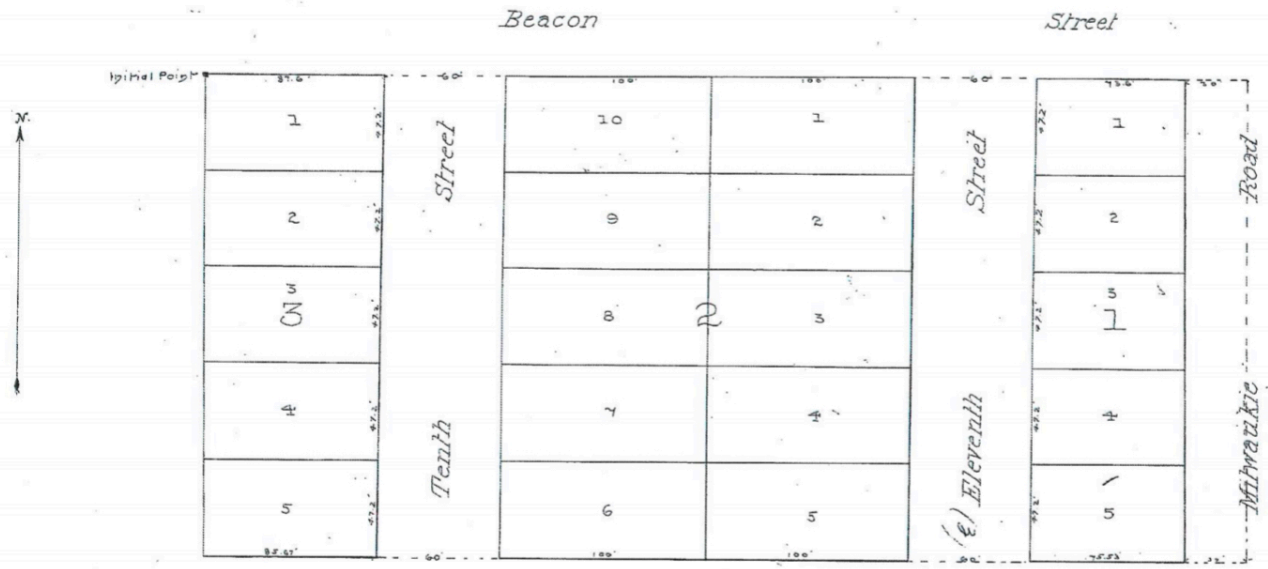
NONPOSSESSORY

Map of
Dent's Addition
TO
East Portland
Scale 50 ft = 1 inch
M. E. Quinn & Grady
SURVEYORS

(6.11) REA 1
same

FOR PARTIAL VACATION, SEE BOOK 1559 PAGE 716
FOR PARTIAL VACATION, SEE BOOK 1560 PAGE 6364

BOOK 163 PAGE 10



Know all men by these presents that we Wm. Hunt, Albert G. Hunt, J. A. Hardy and Edith L. Hardy voluntarily and lawfully established this map and plat to be the plat of "Dent's Addition to East Portland" and do hereby dedicate 10' and 11' Streets of said plat to the use of the public forever. In Witness Whereof, we have hereunto set our hands and seals this 20th day of April A. D. 1891.

William Hunt Esq. Albert G. Hunt Esq.
J. A. Hardy Esq. Edith L. Hardy Esq.

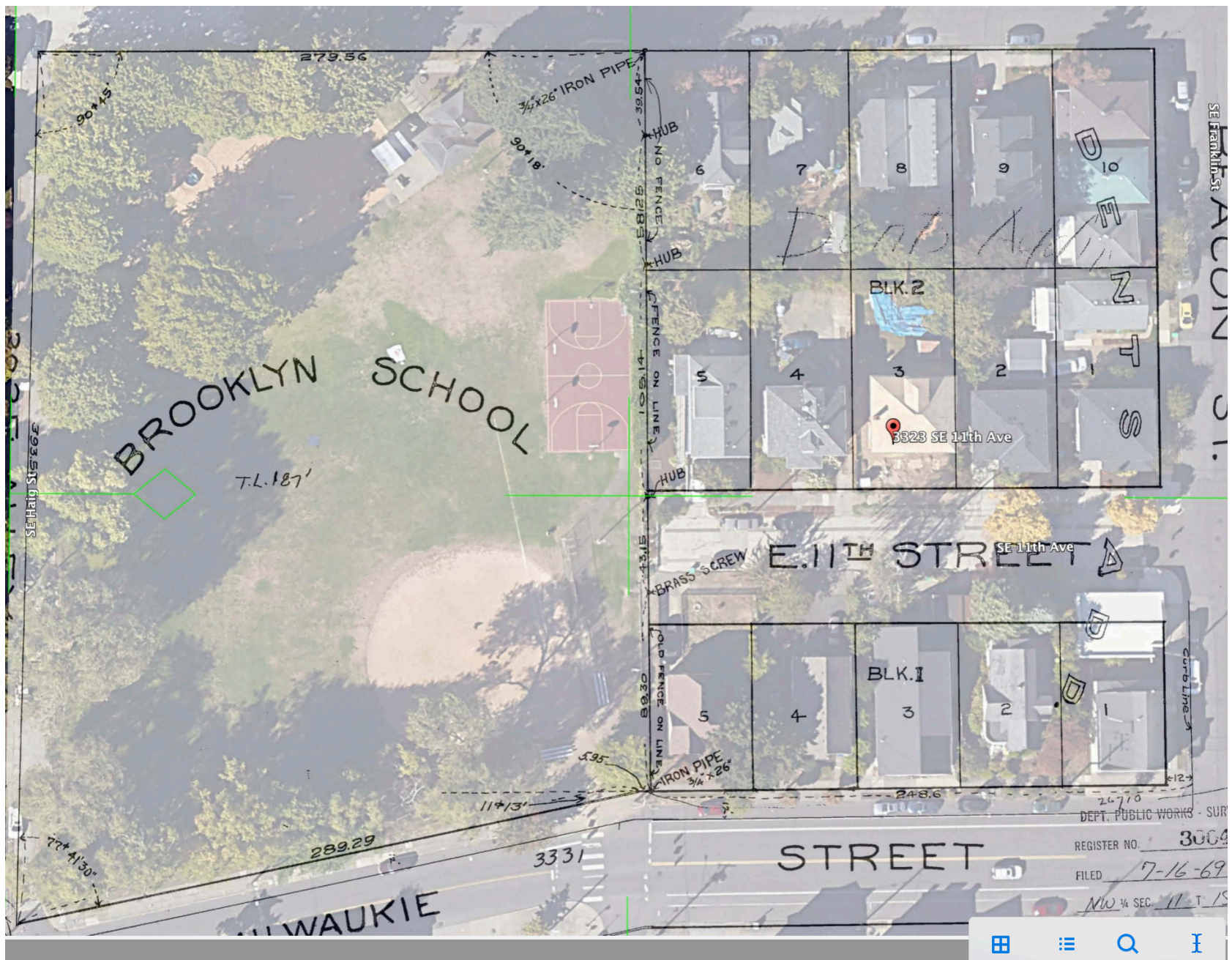
Signed, sealed and delivered in presence of
Clara Shogren Esq. John Shover

This plat for lot 1 and this 20th day of April A. D. 1891, before me the undersigned Justice of the Peace, County of Multnomah, in and for the State of Oregon, appeared the within named William Hunt, Albert G. Hunt, J. A. Hardy and Edith L. Hardy her wife who are known to me to be the identical persons described and









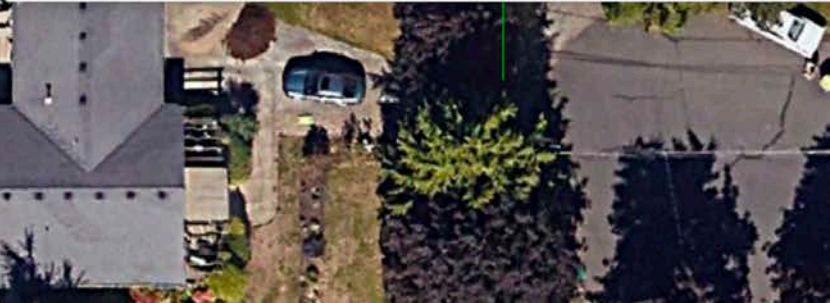


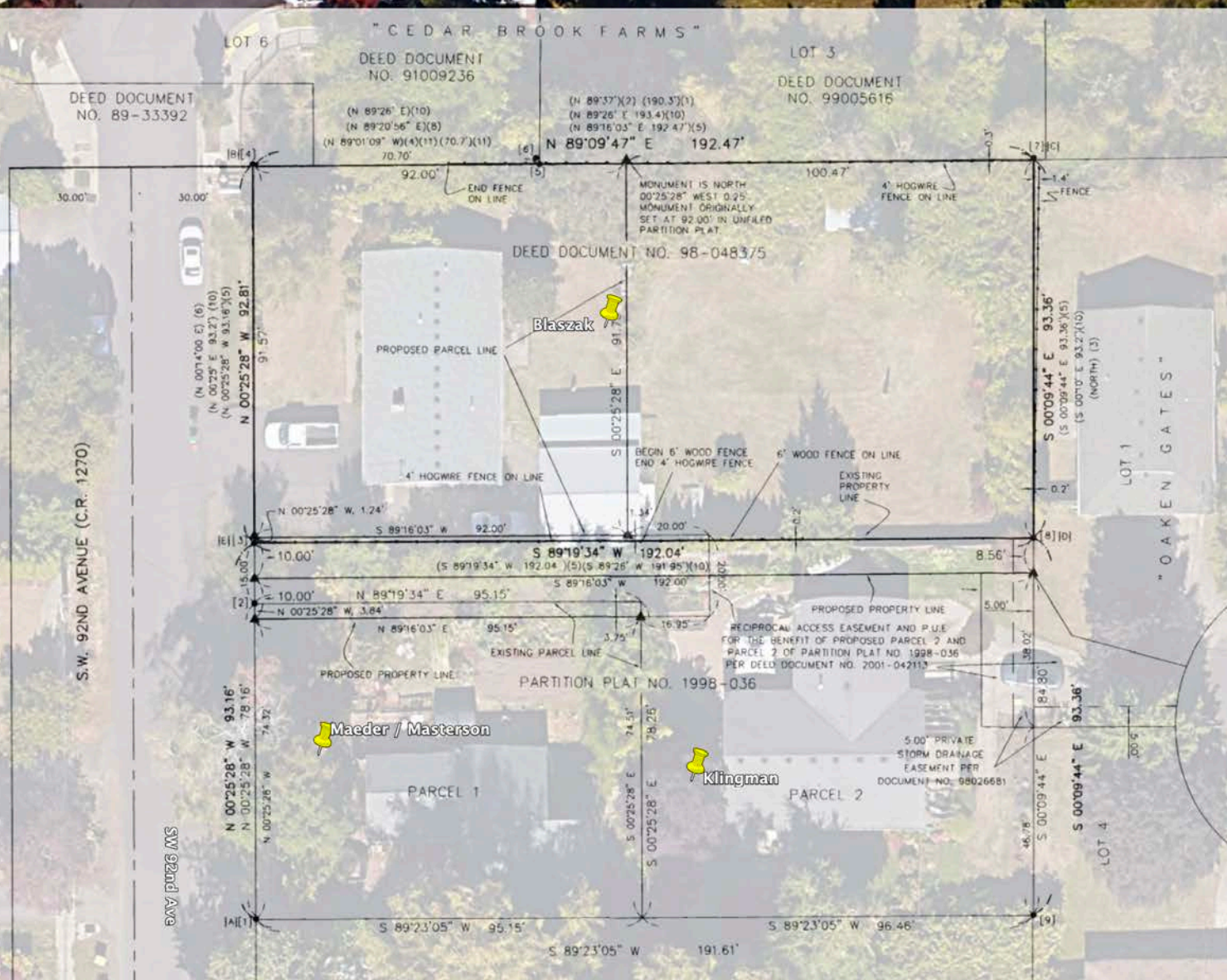
Google Earth - New Image Overlay

Name:

Link:

Transparency:





LOT 6 "CEDAR BROOK FARMS" DEED DOCUMENT NO. 91009236

LOT 3 DEED DOCUMENT NO. 99005616

DEED DOCUMENT NO. 89-33392

DEED DOCUMENT NO. 98-048375

PARTITION PLAT NO. 1998-036

S.W. 92ND AVENUE (C.R. 1270)

SW 92nd Ave

PROPOSED PARCEL LINE

PARCEL 1

PARCEL 2

LOT 1 "OAKEN GATES"

LOT 4

Blaszak

Maeder / Masterson

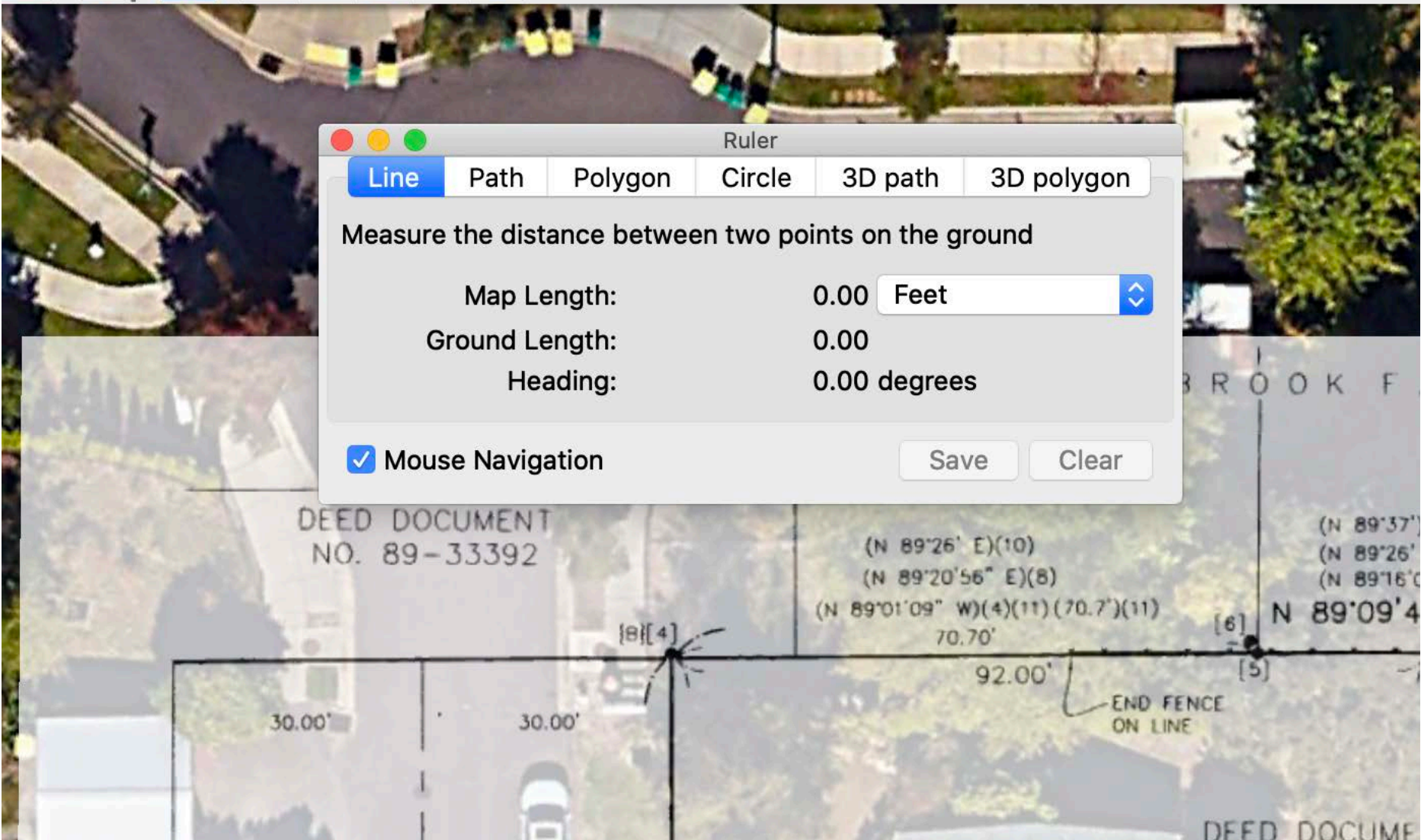
Klingman

MONUMENT IS NORTH 00°25'28" WEST 0.25' MONUMENT ORIGINALLY SET AT 92.00' IN UNFILED PARTITION PLAT.

RECIPROCAL ACCESS EASEMENT AND P.U.E FOR THE BENEFIT OF PROPOSED PARCEL 2 AND PARCEL 2 OF PARTITION PLAT NO. 1998-036 PER DEED DOCUMENT NO. 2001-042113

5.00' PRIVATE STORM DRAINAGE EASEMENT PER DOCUMENT NO. 98026681

THIS SURVEY IS FEBRUARY 1998. THE CURVE LINE OF BEING DOCUMENT TRACT MONUMENT THE BOUNDARY NO. 1998-036 I USED RIGHT-PROPER I ESTABLISHED MONUMENT S.N. 25 THE SOUTH NORTH EAST/W 1998-036 I HELD I HELD THE ESTABLISHED SURVEY (1) PL (2) PL (3) PL (4) PL (5) PA (6) PA (7) RE (8) RE (9) RE (10) RE (11) RE (12) RE (13) RE LEGE () (1) [#] SQ. FT. S.N. I.R. I.P. Y.P.C.



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

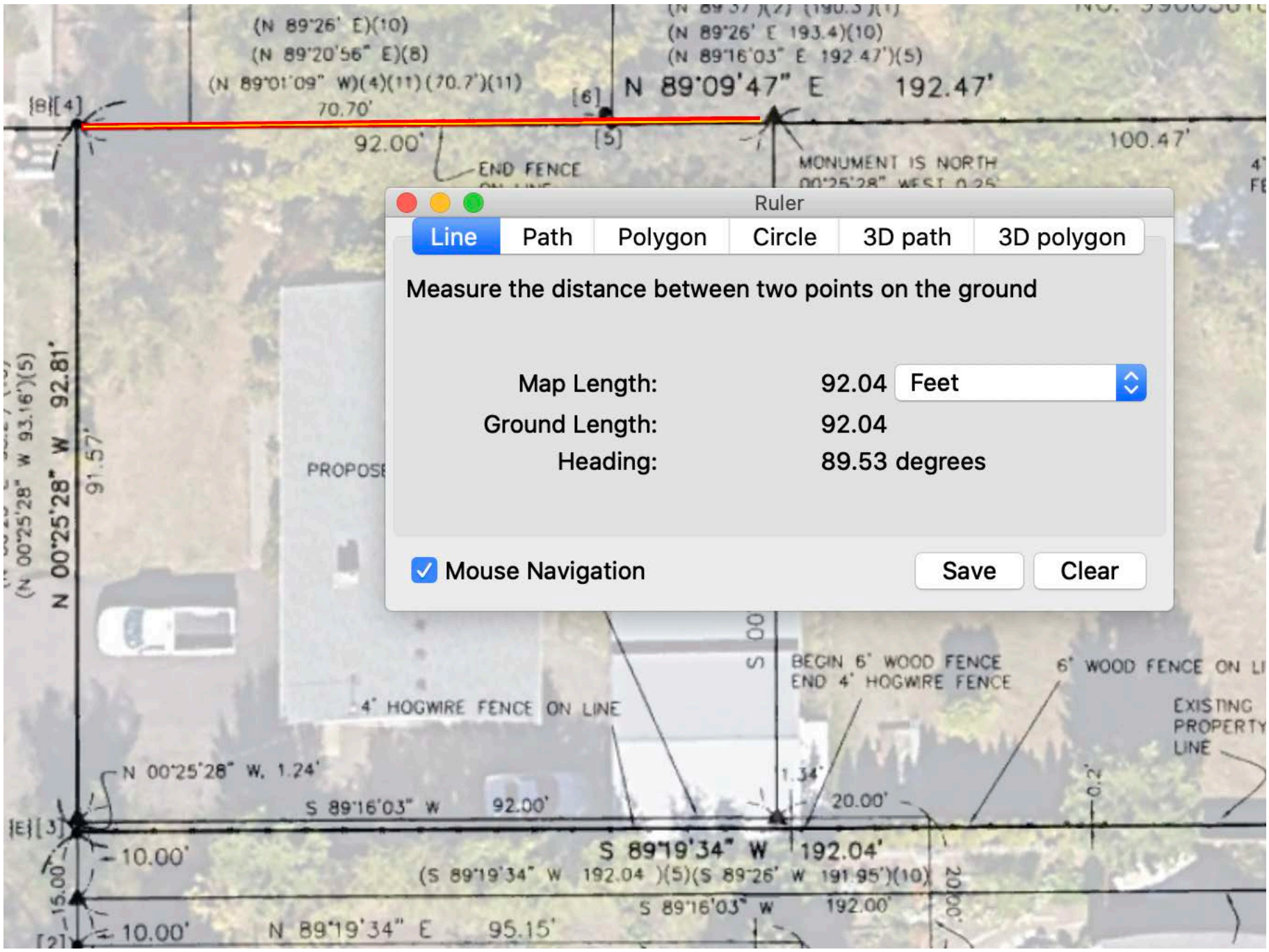
Map Length: 0.00 Feet

Ground Length: 0.00

Heading: 0.00 degrees

Mouse Navigation

Save Clear



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 92.04 Feet

Ground Length: 92.04

Heading: 89.53 degrees

Mouse Navigation

Save Clear

Ruler

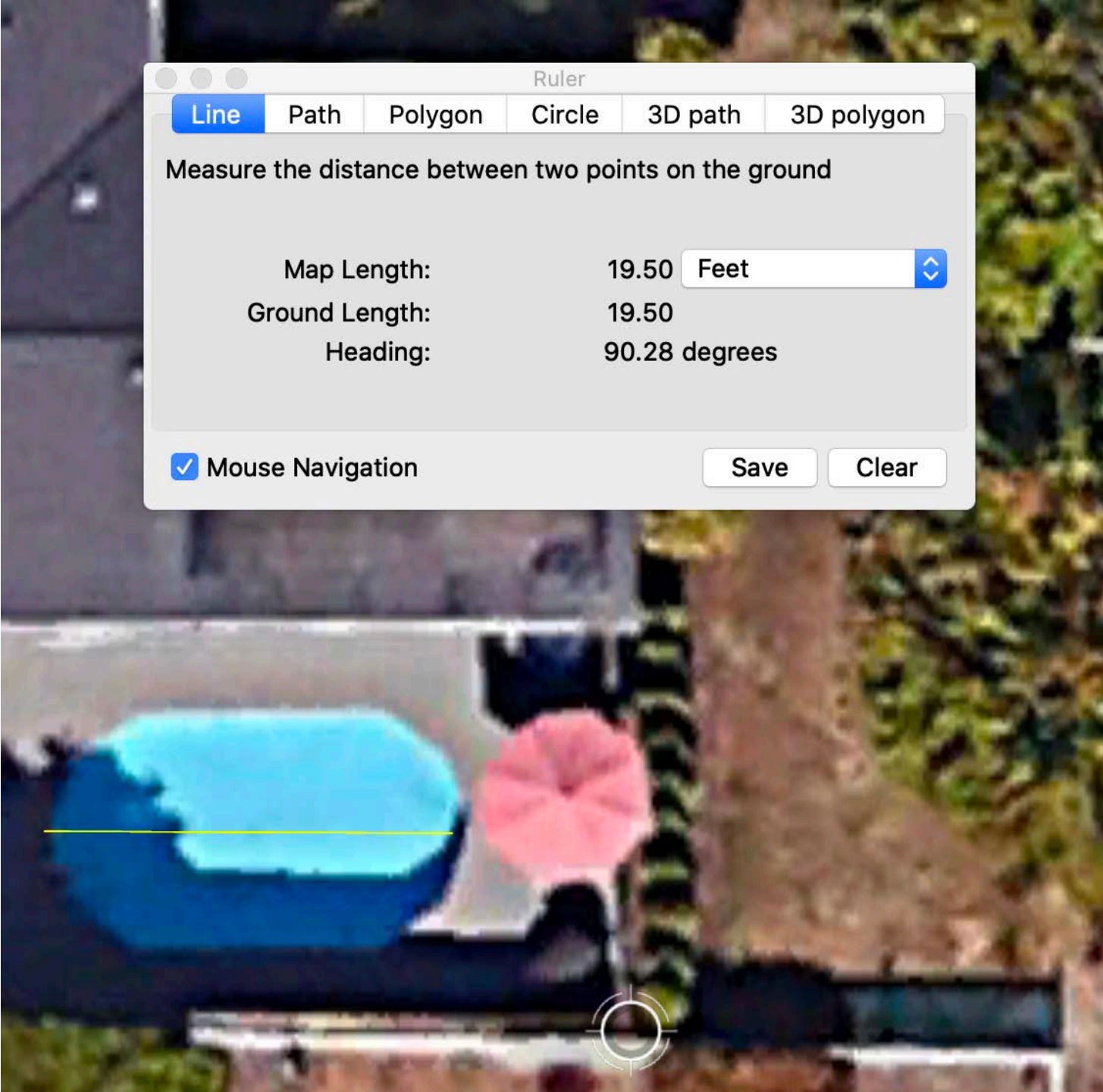
Line Path Polygon Circle 3D path 3D polygon

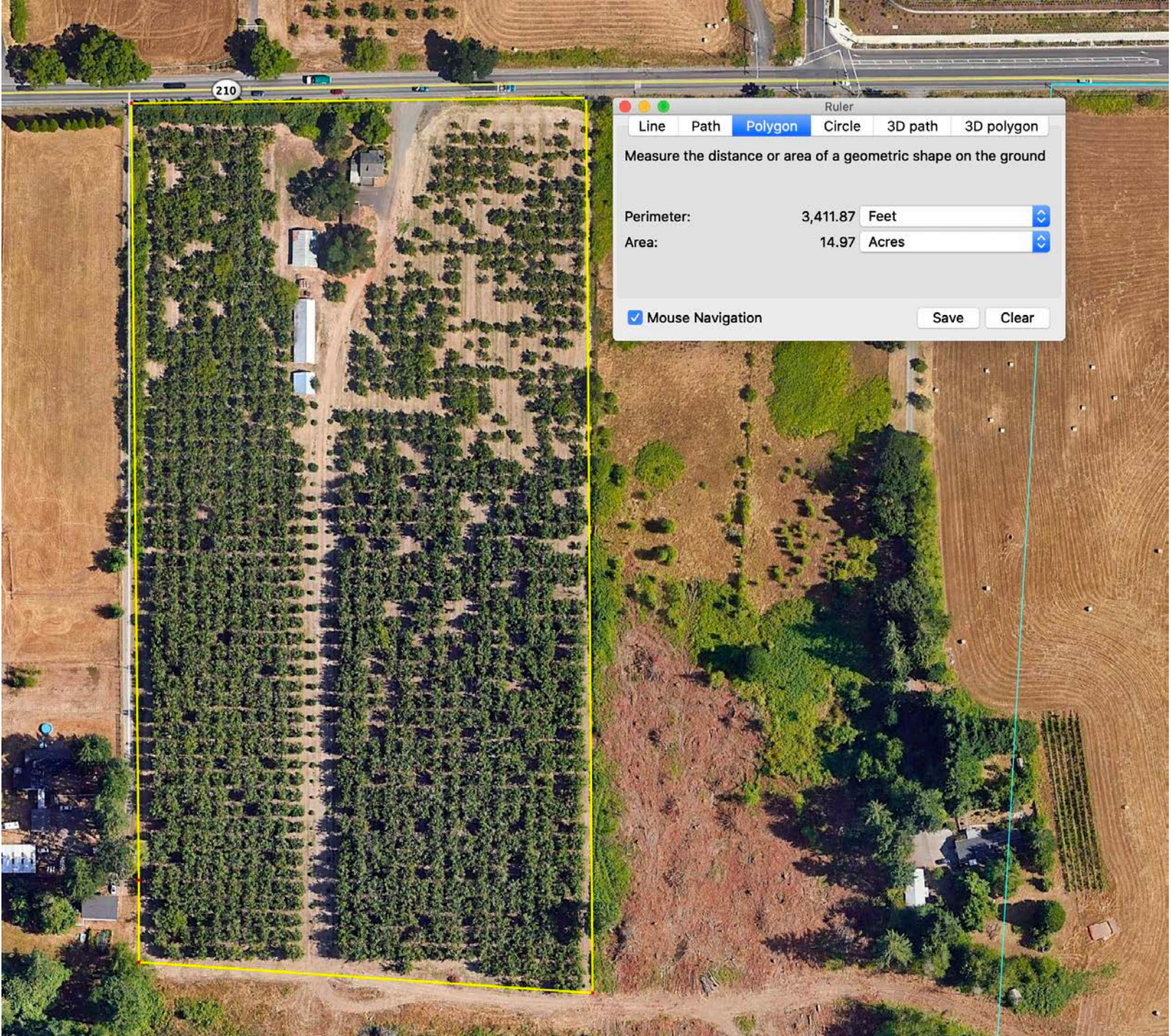
Measure the distance between two points on the ground

Map Length:	19.50	Feet
Ground Length:	19.50	
Heading:	90.28 degrees	

Mouse Navigation

Save Clear





Ruler

Line Path **Polygon** Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 3,411.87 Feet

Area: 14.97 Acres

Mouse Navigation

Save Clear

Typical Ways to Take Title

- Deed
- Will
- Escheat
- Adverse Possession

Elements of Adverse Possession

- Open
- Notorious
- Exclusive
- Hostile
- Continuous

Exceptions

- Minors
- Insane persons
- Serious disability





STATE OF MIND

- Honest belief that claimant owned property
- Objective basis
- Reasonable under the circumstances



Open

"keep his flag flying, and present a hostile front to all adverse pretensions."

Notorious

"so notorious that the owner may be presumed to have knowledge that the occupancy is adverse"



TYPICAL USE OF LAND

NOT Open & Notorious

- Occasional hiking, fence repair, blaze line
- Planting trees in area that already has shrubs and trees



Exclusive

proof of occupancy by the claimant that is characteristic of exclusive ownership

NOT Exclusive

- Cattle breaking fences and roaming on adjacent property



Hostile

intent to claim exclusive title and to deny title in anyone else

NOT Hostile

- conversations with the owner about trading the property
- rejecting offer to purchase the property being possessed rather than asserting title to it



Continuous

The period begins when all the required elements occur at the same time

Continuous

- 10 years
- If interrupted, must start over
- Does not require actual possession every single day

"Tacking"





3 YEARS



1 YEAR



7 YEARS



Establishing Title

Suit to "Quiet Title"

Challenging the Adverse Possessor

- Suit to quiet title
- Trespass
- Ejectment
- Declaratory judgment

EXHIBIT "A"

A part of the Hector Campbell Donation Land Claim in Section 25, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as:

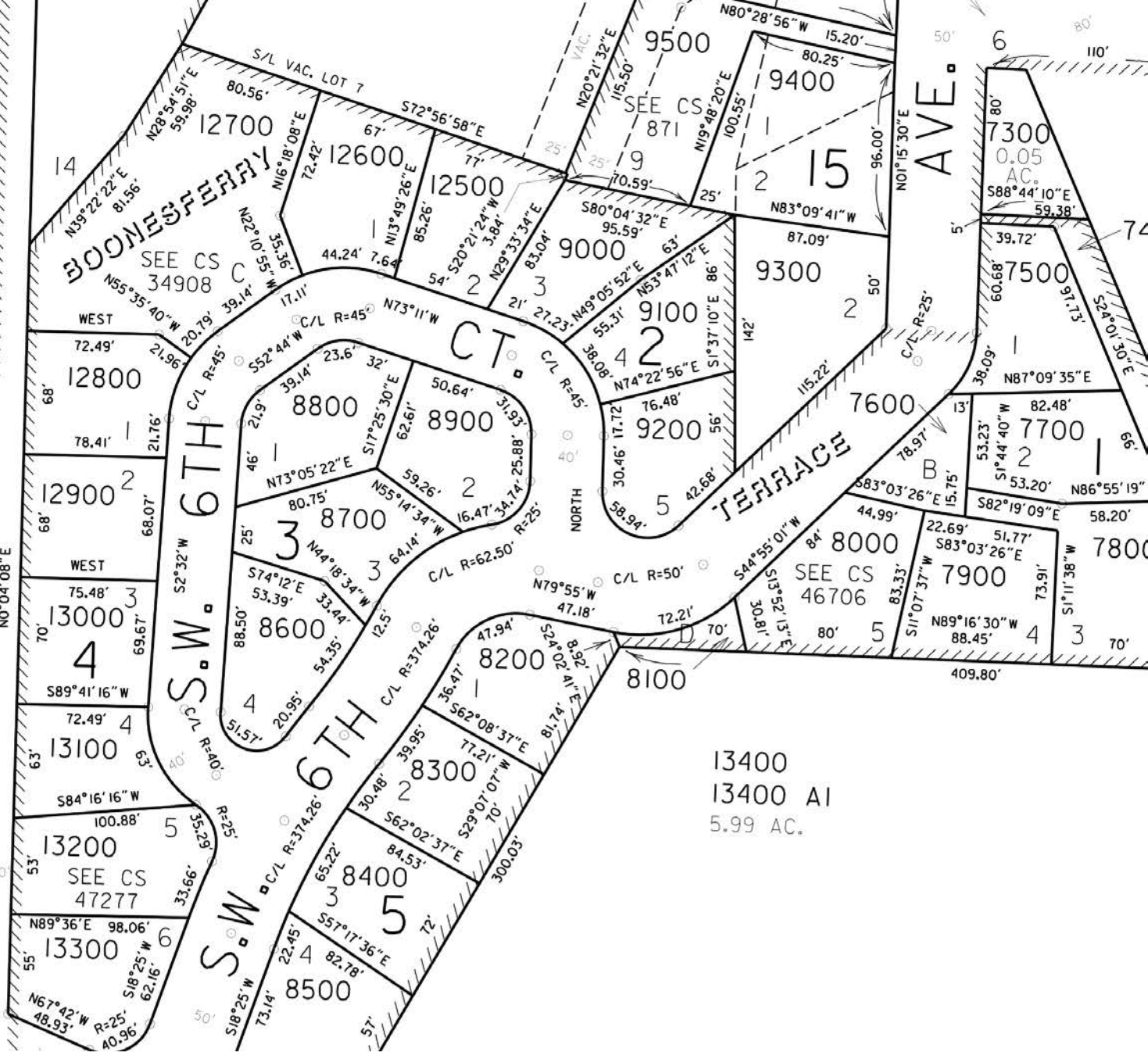
Beginning at a point 9.38 chains South and 7.50 chains East of the Northwest corner of the Hector Campbell Donation Land Claim in Township 1 South, Range 1 East of the Willamette Meridian; thence West along the South line of Harvey Avenue 7.42 chains, more or less, to the East side of the county road and the true point of beginning of the tract herein described; thence South $0^{\circ}45'$ East 60 feet to a point; thence East 150.00 feet to a point; thence North 60 feet to a point in the Southerly line of Harvey Avenue; thence West along the Southerly line of Harvey Avenue 150 feet to the point of beginning.

S.W.

E/L PARTITION PLAT 1991-84

S.W.

S.W. LUCIE ST



13400
 13400 AI
 5.99 AC.

RY TERRACE

MAH COUNTY, OREGON
1978

... I HAVE CORRECTLY SURVEYED AND MARKED WITH 5/8" X 30" IRON RODS
... IN DIRECTION, THE LANDS REPRESENTED ON THE ANNEXED MAP
... SET A GALVANIZED IRON PIPE, 2 INCHES IN DIAMETER, 36 INCHES
... SAID INITIAL POINT BEING THE MOST NORTHERLY CORNER OF LOT 55
... TH LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH,
... BEING N 89° 30' 10" W 1931.07 FEET FROM THE EAST 1/4 CORNER OF
... H LINE OF S. W. LUCILLE STREET 512.89 FEET TO A POINT ON THE
... 16 SAID WEST LINE 20.00 FEET; THENCE S 89° 30' 10" E 52.15 FEET;
... AVENUE 476.11 FEET TO THE SOUTHWEST CORNER OF LOT 14,
... DED PLAT; THENCE ALONG THE EAST LINE OF SAID LOT 14,
... 9 SAID EAST LINE OF LOT 14, N 28° 54' 51" E 59.98 FEET TO
... KILPATRICK-COLLINS TRACT"; THENCE S 72° 56' 58" E ALONG
... EXTENSION 224.56 FEET TO THE CENTERLINE OF VACATED
... CENTERLINE OF VACATED S.W. 5TH AVENUE 3.84 FEET;
... LOT 9, BLOCK 15, "KILPATRICK-COLLINS TRACT" AND ITS
... ER OF SAID LOT 9; THENCE S 1° 37' 10" E ALONG THE WEST
... 142.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE
... 115.22 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE
... ONG THE EAST LINE OF S.W. 6TH AVENUE 65.68 FEET;
... E WEST LINE OF S.W. TERWILLIGER BOULEVARD (COUNTY
... WEST LINE 271.07 FEET TO THE NORTHEAST CORNER OF
... 30" W 363.45 FEET TO A 1" IRON PIPE AT THE
... L TRACT; THENCE S 29° 07' 07" W 298.74 FEET TO AN
... THENCE S 1° 15' 30" W 221.32 FEET TO A 1" IRON PIPE AT
... SCHOOL TRACT AND A POINT ON THE NORTH LINE OF
... N 89° 16' 30" W ALONG SAID NORTH LINE 746.60 FEET
... "MAPLECREST"; THENCE N 0° 00' 20" E ALONG THE EAST
... OF BEGINNING.
... THE ORIGINAL PLAT.

... AT THIS IS A TRUE AND EXACT
... PLAT OF "BOONESFERRY TERRACE"

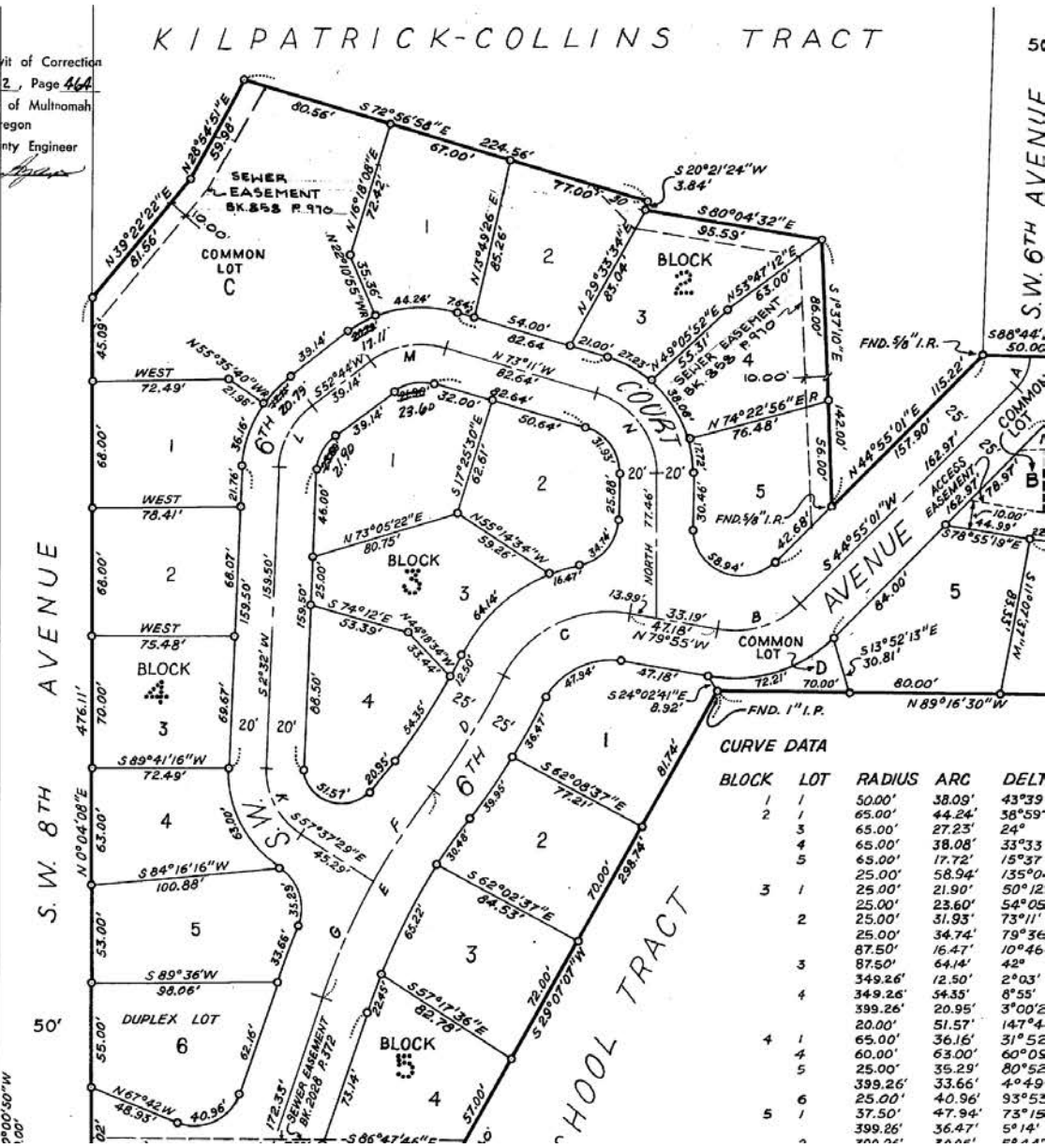
... AND SWORN BEFORE ME
... Y OF January, 1978
... bra Oshy
... IC FOR THE STATE OF OREGON
... ION EXPIRES May 2, 1980



27
27
S. W. LUCILLE STREET
S 89° 30' 10" E 512.89'

Corrected Per Affidavit of Correction
Recorded in Book 1332, Page 464
Date 3/21/79 Records of Multnomah
County, Oregon
O.J. Damreis, County Engineer
By *[Signature]*

KILPATRICK-COLLINS TRACT



CURVE DATA

BLOCK	LOT	RADIUS	ARC	DELTA
1	1	50.00'	38.09'	43°39'
	1	65.00'	44.24'	38°59'
	3	65.00'	27.23'	24°
	4	65.00'	38.08'	33°33'
	5	65.00'	17.72'	15°37'
	1	25.00'	58.94'	135°0'
	2	25.00'	21.90'	50°12'
	2	25.00'	23.60'	54°05'
	2	25.00'	31.93'	73°11'
	3	25.00'	34.74'	79°36'
	3	87.50'	16.47'	10°46'
	3	87.50'	64.14'	42°
	4	349.26'	12.50'	2°03'
	4	349.26'	54.35'	8°55'
	4	399.26'	20.95'	3°00'2
	4	20.00'	51.57'	147°4
	4	65.00'	36.16'	31°52
	4	60.00'	63.00'	60°05
	5	25.00'	35.29'	80°52
	6	399.26'	33.66'	4°49
	6	25.00'	40.96'	93°52
	1	37.50'	47.94'	73°15
	2	399.26'	36.47'	5°14'

Tips

- Physically stop the adverse use
- Grant permission
- Use the court system



Kevin Harker

kevin@harkerlepore.com

