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For Immediate Release

New Organization Fights to End Legalized Land Theft

“End Adverse Possession Now” Created to Abolish 800 Year Old Doctrine of Adverse Possession

SEATTLE – August 25, 2009 – A new organization, End Adverse Possession Now, officially launched today, answering a groundswell of public support for the abolition of adverse possession.

Arcane and unknown to many people, adverse possession is a legal fiction that stretches back more than 800 years ago from the Middle Ages. It originates from a common law doctrine where a person who uses the land of another for a period of time becomes the owner of that property, defeating all rights of the true owner. In other words, it is legalized land theft.

“Adverse possession has no place in today’s society. Like other reprehensible laws of history, such as the Slavery Recovery Act of 1793, adverse possession is simply wrong – it is an insidious, immoral and obsolete law that provides no benefit,” says Christopher McKie, Founder of End Adverse Possession Now. “Numerous cases stand testament to this; neighbors making land grabs under the guise of adverse possession have ended up killing another. Because of the inherent unfairness and pernicious consequences of recognizing adverse possession, End Adverse Possession Now was created to eradicate this law throughout the entire United States.”

Conflicts of adverse possession often arise where one neighbor, by accident or design, erects a fence over an adjoining neighbor’s property, which is eventually discovered to be wrongfully placed. These battles can rage over fences that deviate just several inches from recorded boundary lines; other situations can amount to neighbors fighting over thousands of square feet or more. In the end, many find that by claiming adverse possession, they can legally intimidate and economically strong-arm their neighbors into surrendering land that was rightfully paid for and had taxes paid on for years.

The Costs of Adverse Possession Outweigh Any Benefits

Once useful in the 1800’s when land was open and plentiful, adverse possession helped promote efficient land use. Today, however, this law has been twisted and perverted into a free entitlement scheme that promotes a belief that it is morally acceptable to take property from another without having to pay for it.

The legal costs associated to adverse possession claims can often exceed the actual value of the land in question. On average, a claim of adverse possession that goes to court incurs \$30,000 to \$50,000 in lawyers’ fees, which explains why so many attorneys and bar associations resist its abolition.

Although many claims are settled out of court at considerable expense, there are some costs that are immeasurable. There is a long history of people killing neighbors over claims of land. Recently in California and Oklahoma, parties became so enraged over the belief that they were entitled to their neighbor's property that the ultimate resolution ended in multiple murders. Tragically, this could have been avoided if there was no basis for claiming adverse possession.

Additionally, adverse possession is a direct assault on legal recording systems and erodes public confidence in title insurance. Consumers need to be assured that the property they are buying is free from defects and adverse claims. Unfortunately, many title insurance companies exclude coverage of adverse possession, making it economically impossible for homeowners to defend the title of the property that they purchased.

Washington State House Bill 1479 – An Act to End Adverse Possession

At this time, there is pending legislation, House Bill 1479, which is “an act relating to the prohibition of adverse possession claim,” drafted by Representatives Orcutt, Blake, McCune, Herrera, and Hudgins. This act proposes to amend current Washington State law that currently recognizes adverse possession as a lawful means of taking another's property.

“I applaud these representatives for taking a gutsy stand for what is right. This is exactly the type of legislation needed to eradicate this ancient and unfair law,” says McKie. “By contacting their local representative or Jamie Pedersen of the 43rd district, Seattle, people can change history by supporting HB 1479 and put an end to legalized land theft.”

End Adverse Possession Now

Founded in 2009, End Adverse Possession Now (EAP NOW) is an organization dedicated to the abolition of adverse possession. With public support, EAP NOW works with legislators and their staff, administrative bodies, industry associations and other organizations to eradicate laws of adverse possession in all U.S. jurisdictions. More information can be found at: www.EndAdversePossession.org

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