

Ending Legalized Land Theft

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End Adverse Possession Now

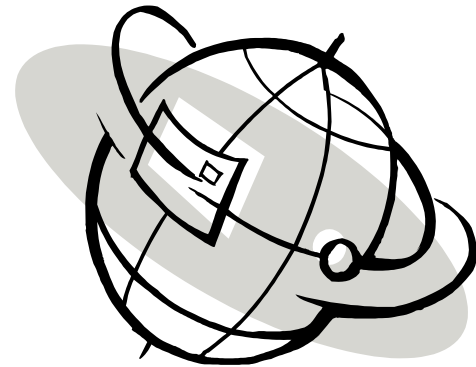
Adverse possession stretches back more than 800 years from the Middle Ages.

This arcane doctrine resulted as a legal fiction, created to satisfy the demands of elite English landowners, who in the Middle Ages, held substantive power.

By today's definition, adverse possession is "a method of acquiring title to real property by possession for a statutory period under certain conditions, esp. a nonpermissive use of the land with a claim of right when that use is continuous, exclusive, hostile, open and notorious."

If you strip away the weasel words, it is nothing more than legalized land theft.

Like other reprehensible laws of history, such as



the Fugitive Slave Act of 1793, adverse possession is simply wrong -- it is an insidious, immoral and obsolete law that provides no benefit to society.

Times have changed. Because of the inherent unfairness and pernicious consequences that result from adverse possession, it is time to completely abolish this law.

For a multitude of economic, social, moral and legal reasons, adverse possession needs to end now.

Today, we stand on the cusp of erasing 800 years of legalized land theft.

This is our mission and we welcome your support in fighting to see the end of legalized land theft.

Support Washington State HB 1479

Right now, there is legislation in the works that would effectively end adverse possession in Washington State.

Spearheaded by Reps. Orcutt, Blake, McCune, Herrera and Hudgins,

House Bill 1479 is "an act relating to the prohibition of adverse possession claims."

Currently, it sits with the judiciary chair, Rep. Jamie Pedersen of Seattle, who appears to

support legalized land theft.

Change history and let Rep. Pedersen know that you support HB 1479. Contact him at: pedersen.jamie@leg.wa.gov or 206-729-3206

The Failed Argument for Adverse Possession

“It is a logical fallacy to claim because adverse possession has been around for hundreds of years it is acceptable to take another’s land.”

One of the arguments that lawyers use in support of adverse possession is that because it has been around for hundreds of years, it must be a good law; or they will claim that because of its longevity, it would be futile to have it abolished.

At first blush, this may make sense, but this is a logical fallacy.

Anyone who has taken a

critical reasoning class will quickly recognize that this is an “appeal to history.”

The failure of this assertion rests in the fact that today’s society is vastly different than that of 200 years ago.

With the development of GPS and computerized land surveying systems, there is no excuse for mistaken boundary lines.

Just as slavery was legal

for hundreds of years, it did not mean that it was a good law, nor did it mean that it was destined to stay unchanged.

Because society and technology has changed since the advent of adverse possession, one can no longer claim that because adverse possession has been around for a long time, that it makes it okay to steal another’s land.

When Land Grabs Turn into Murder

Tragically, some costs of adverse possession cannot be measured.

In Carmel, California one such case recently turned into double murder.

In this sleepy seaside town, a property line dispute eventually ended with John Kenney shooting to death Mel and Elizabeth Grimes.

Like most disputes over land boundaries where

adverse possession is involved, John Kenney felt assured that the land in question was his, and he was determined to kill for it.

Because of this, Kenney refused mediation, and furthermore followed his lawyer’s faulty advice, which ultimately led to the final conflict where Kenney shot and killed both his neighbors.

In a horrible ironic twist, the land the Mr. Kenney thought to be his turned out to be a public easement and not owned by either Kenney or the Grimes.

Sadly, it is the support of this law and belief that adverse possession entitles one to take land of another that can ultimately lead to murder.

The Secret Costs of Adverse Possession

One thing is certain – those who gain the most from adverse possession are real estate lawyers.

In many situations, what people spend on their attorney’s fees exceeds the value of the property being fought over. In other

words, it makes more economic sense for claimants to simply purchase the land that they want to steal, rather than sue for it.

The typical suit ranges from \$30,000 to \$50,000, and recently in Wisconsin,

there was a case where a family spent more than \$100,000 in attorney’s fees only to lose.

It seems that people who claim adverse possession is efficient are probably those who benefit the most – lawyers.

The Last Land Grab in Washington

When Angie Lynn of Bainbridge Island sued her neighbor to take 3,700+ square feet of land, what she did not know is that her lawsuit could go down in history as the last claim of adverse possession in Washington State.

If Washington House Bill 1479 passes, claims like that of Angie Lynn could go the way of the Dodo.

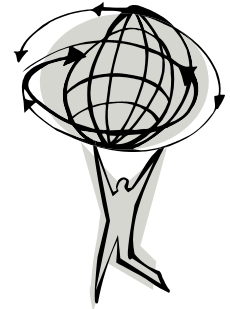
Whether by accident or by purposeful design, the Lynn's put up a fence without surveying their property, which turned out to be right through their neighbor's back yard – by nearly 40 feet at its furthest point!

Rather than admitting to the mistake and making it right, the Lynn's decided to do the next best thing – steal the land by way of adverse possession.

With the help of a local attorney, Angie Lynn decided to take something that she never paid for, or ever paid taxes on – all in the name of adverse possession.

Is it stealing to take something that wasn't paid for?

If HB 1479 passes, that question won't need to be asked, but for Angie Lynn, the answer seems obvious.



The Elements of Adverse Possession

In order to legally take the land of another, the land grabber must prove certain elements.

At first, this may seem like a daunting challenge, but numerous cases from all the states show that proving the requisite elements of adverse possession is rather a trivial process that most courts readily accept.

Granted, these elements

will vary from state to state, so it is best to reference each state's property code.

However, the common law elements to prove are:

- Actual Possession
- Open and Notorious
- Exclusive Use
- Hostile or Adverse Claim of Right

- Continuous Use

And, some states require these additional elements:

- Under "Color of Title"
- Payment of Taxes

The bottom line is that although a thieving neighbor seems to have a burden of elements to prove, in reality stealing land is an easy game to play.

Feckless Title Insurance

If you are buying a house, be prepared to know that your realtor will probably not share with you a dirty little secret – your title insurance may not protect you in cases of adverse possession.

Unfortunately, many

realtors have one goal, to make a quick sale.

This means they often rush their clients through key contract issues or gloss over coverage points – like coverage against adverse possession.

When buying a property, it is critical to make sure that your title insurance provider will defend a claim of adverse possession.

If not, either demand a land survey before you close, or consult a lawyer.

“Is it stealing to take something that was not paid for?”

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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

For more information, please contact End Adverse Possession Now, at: eap.now@gmail.com

You Can Change History

Changing history and fighting injustice requires your support.

End Adverse Possession Now has a challenging fight as there are many groups: real estate lawyers, bar associations, land developers and others, who make huge sums of money in seeing this law remain.

Like the slavery industry that existed for hundreds of years, the industry that wants to keep adverse possession around argues that the economics behind adverse possession are too important to let it be

dismantled. This is false. However, those who want this law in place also know that the only way for adverse possession to be abolished is to have it changed by each state's legislative body.

Therefore, for adverse possession to be abolished, we have to eliminate it by new legislation.

Right now in Washington State, House Bill 1479 stands to eradicate adverse possession. This is monumental.

But, the bill is locked up by Rep. Jamie Pedersen

who, for some reason, believes that legalized land theft is okay.

You can help by contacting your state representative or Rep. Jamie Pedersen at: pedersen.jamie@leg.wa.gov.

The other way you can help change history and fight injustice is contribute to this organization.

Donations can be made online via PayPal, or checks can be sent to:

End Adverse Possession Now

PO Box 4381, Seattle, WA 98194

We're on the Web!

www.EndAdversePossession.org

And TWITTER

www.twitter/EAPNOW