

## Adverse Possession

Simple application of:  
Statute of Limitations (SoL) to ejection claims

In Colorado the statutory period for  
Adverse possession is 18 years.

CRS 38-41-101 et seq

### Doctrine of Adverse Possession:

*Wright v. Horse Creek Ranch*  
697 P.2d 384 (Colo 1985)

- 1) **Open and Notorious**  
(provide actual or inquiry notice)
- 2) **Adverse**  
(possession hostile to owner's interest)
- 3) **Possession** (acts of dominion  
appropriate under circumstances)
- 4) **Continuing** (not abandoned)
- 5) **Statutory Period** (18 yrs in CO)  
CRS 38-41-101

### Terms & Issues:

“**Tacking**” - consecutive treatment of  
adverse possession claims in privity

\***Claim of Right:** *good faith vs. bad*  
- Treat as own (**majority**)  
- Believe you own (Anti-Squatter Rule)  
- Believe you Don't own

\***Color of Title:**  
- adverse possession began with  
document giving right of poss.  
- some states; not required  
- some states; req'd, but SoL shorter

\***Paying taxes** - helps establish claim;  
some states require; if so, Statute of  
Limitations is shorter  
\* req'ts vary widely from state to state

## Adverse Use

In Colorado the statutory period for  
a prescriptive easement is 18 years.

CRS 38-41-101 et seq  
*WestPac Aspen v. Henn*  
284 P3d 131 (Colo App 2011)

- 1) **Open and Notorious**  
(provide actual or inquiry notice)
- 2) **Adverse Use**  
(hostile to owner's interest)
- 3) **Continuing** (not abandoned)
- 4) for the **Statutory Period**  
CRS 38-41-101

No Adverse Possession or Adverse use  
against the government

Implied Dedication - an estoppel  
concept that owner may not sit back  
and watch improvements to his land

Adverse Use or Adverse Possession  
will only end  
those interests to which it is adverse