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Encroachers Beware: The Sun Is Setting On The Wild West Of Adverse Possession

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The venerable common law doctrines of adverse possession and prescriptive easements find new expressions and iterations in the modern California landscape dominated by common interest developments and suburban sprawl. In stark contrast to the image of squatters putting shacks and vegetable gardens on isolated plots in the hinterlands, modern cases involving these doctrines invariably involve adjoining homeowners and backyard litigation. Courts called upon to apply these centuries-old legal principles to the modern realm of the suburb and subdivision have had to cover new ground, so to speak, and the results have been rather intriguing. Based on the knotty analytical threads of case law, statute, and legal principle, courts are resorting more and more to reverse and result-oriented analyses to reach the "right" outcome.

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