

Adverse Possession

Adverse possession is the taking of title to real estate by possessing it for a certain period of time. Title means ownership of real estate. The person claiming title to real estate by adverse possession must have actual possession of it that is open, notorious, exclusive and adverse to the claims of other persons to the title. By its very nature, a claim of adverse possession is hostile to the claims of other persons. It cannot be hidden but must be open and notorious in order to put other persons on notice as to one's claim for possession of the real estate.

A claim to title by adverse possession often must be made under color of title. Color of title means a claim to title by way of a fact which, although on its face appears to support a person's claim to title, is in some way defective and falls short of actually establishing title to the real estate. An example of a claim made under color of title would be a deed whose execution was defective or is in question. Another example is a claim arising from another person's Last Will and Testament. Yet another common example is where two or more persons have received separate deeds to the same parcel of real estate.

Black's Law Dictionary, Fifth Edition.

Colorado: In Colorado, the duration of such adverse possession is seven (7) years if the claimant claims under color of title. If the claimant does not make his/her claim under color of title, the duration of possession is eighteen (18) years. See Colorado Revised Statutes §38-41-101 thru -119.