

The New York Times

NOVEMBER 11, 2007

By Jay Romano

Adverse Possession: Mind Your Property

EARLIER this year, the New York State Legislature passed a bill that would bar a claim of adverse possession, a centuries-old doctrine that allows a person to claim title to property that he or she has used for a specific period of years, if the person making the claim had "actual knowledge" that the property was owned by someone else.

The bill was vetoed in August by Gov. Eliot Spitzer, who said that while "at first blush" the bill "would seem to be a logical improvement to the law," in reality the change would result in "extensive litigation of virtually every adverse possession claim."

The Legislature's action and the governor's veto highlighted the harsh realities of adverse possession...

Adam Leitman Bailey, another Manhattan real estate lawyer, said that by passing its adverse possession bill, the Legislature essentially attempted to overturn the Court of Appeals decision by barring adverse possession if the adverse possessor knew the property was owned by someone else.