

PROOF FOR ADVERSE POSSESSION CLAIM

We require the following details and proof of support for your Application for Adverse possession

- Date possession was commenced and the circumstances, e.g. under contract of sale and from whom.
- Proof that the applicant, either alone or together with other persons, has been in exclusive possession of the land and this has been uninterrupted for at least 15 years.
- Use of land, who occupied it throughout the period of ownership and whether ownership was exclusive, continuous and uninterrupted.
- How was the land kept exclusive e.g. fence, wall, buildings.
- Means of access to the land.
- Improvements to the land, if so, what and when and by whom.
- Who paid rates for the land and how can this be verified e.g. letter from Council identifying the land and confirming who has paid the rates.
- Value of the claimed land and evidence documenting the basis upon which this value is calculated (e.g. rates notice, sworn valuation).
- Details of any dispute with the owner of the land.
- Confirmation that no part of the land has been proclaimed a public road.
- Confirmation that the Applicant has not acknowledged the title of the registered proprietor in respect of the land claimed or any part thereof.

A further Statutory Declaration will need to be prepared for an independent witness who can state, inter alia, that he or she has known the land for at least 15 years and can verify your exclusive use and occupation.

Upon receipt of the above information, we will prepare the necessary documents. A Survey Plan Field prepared by a Licensed Surveyor will need to be lodged with the application.

At Cynkler Kaye Levy Lawyers we can assist you with the above issues.

If you would like to speak to our **Law Institute of Victoria Accredited Specialist Jack Cynkler**, please do not hesitate to ring directly on +61 3 9500 1722.

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