



Fence it right the first time: Adverse possession in Alabama

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Adverse possession. It may sound like legalese but it boils down to who owns a specific piece of land. Rural Alabamians will most likely encounter “adverse possession” surrounding a fence line. When a fence is placed incorrectly, even as little as a foot off the property line, the property owner may accidentally be giving his neighbor extra acreage.

While this is not an all-inclusive list, these are some principles to be aware of

- surrounding property lines:
1. When building a fence on or near a property line, be aware the fence may become the new property line. It could add land or, more seriously, take land away from your property.
 2. To claim ownership through adverse possession, the possessor (the person who wants your land) must demonstrate their possession is:
 - a. **Open and notorious:** very clear they are occupying and using your property.
 - b. **Hostile:** acting as if your property is

- their property.
- c. **Continuous:** they must show continuous use and possession for at least 10 years.
 - d. **Exclusive:** they must hold the property out as their own, not as someone else's.
 - e. **Actual:** they do not have to physically dwell on the property but they must use it as if it were theirs.
 3. When fencing, make sure to follow the true, marked property lines. If you are unable to follow the exact lines, contact the

owner of the adjacent land. Make them aware that the property on the other side of the fence still belongs to you.

4. As always, if you think you have a property line issue, contact a local attorney for assistance.

John Allen Nichols is an agriculture counsel for the Alabama Farmers Federation. The material presented here is meant for educational purposes only. The content does not constitute legal advice.

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