

THE LAST GREAT REAL ESTATE SECRET

TOP SECRET



THE LAST GREAT REAL ESTATE SECRET

For more good real estate investing ideas visit...

CreatingWealthClub.com

NOTICE! The authors and publishers of the material found here are not accountants or attorneys and so are not qualified to give accounting or legal advice. All information is based on their research and is presented in good faith. They are not responsible for errors and omissions. No legal advice is being given in any of our material. Laws change from time to time. **Always consult an attorney before investing in real estate so you know you're doing things properly and lawfully in your area – and for the correct answers to any question you have.** By reading this you understand this to be an expression of opinions and not professional advice. You are solely responsible for the use of any content and hold CreatingWealthClub.com, LLC and all members and affiliates harmless in any event or claim, demand, or damage, including reasonable attorneys' fees, asserted by any third party or arising out of your use of, or conduct on, this product and/or website.

© Worldwide Copyright CreatingWealthClub.com, LLC. This material may not be reproduced or transmitted in any form by any means without the express written permission of the copyright holder. All Rights Reserved.



Introduction

We are very fortunate to live in a country where anyone can become rich if they will dedicate themselves to that goal. To do so you must understand and embrace the rich person's secret. Yes it's true - there is a secret that makes people rich. Here it is:

Find a profitable niche; focus all your energy into that area and work, work, work. It really is that simple. Read the biographies of wealthy people and time after time you'll find they built their riches on that simple secret.

Yes it's a simple *concept*, but it takes a great deal of self-determination and discipline to do it. That's what separates the winners from the losers.

We must be willing to turn off the TV and the other meaningless distractions in our life and devote ourself to reaching a goal. That goal could possibly be an extra few thousand dollars per year, or complete financial freedom.

This manual will provide you with some of the tools you need to help you reach whatever goal you're aiming for. *But that's only part of the story...*

You must provide the energy and initiative to power yourself to that goal. There is no free lunch. No one has ever handed anything to you without a price and they never will.

Just like J.C. Penny, Sam Walton, Ray Crock and all wealthy people, you have to do it yourself. You must get in there and sweat, and toil, and grunt and overcome the early setbacks, so that you can prove to yourself that you can do it.

Penny, Walton and Crock were not necessarily brilliant men. They were just excited about the opportunity to build a flow of cash that would give them all they wanted from life.

Real estate has been proven for years to be a source of cash flow for many of those that work hard to create it.

Let's dive into an area of real estate that few know exist...

Part 1

Believe It!

When we tell people that there really is real estate just waiting to be taken for little or nothing, most just don't believe it. I suppose we might have felt the same way if this idea had been sprung on us in one great burst – as it is here – but we discovered this over a period of years.

Now it's your turn. Keep an open mind while we save you years of effort and reveal the secret of free and almost free real estate.

Please understand that what we're presenting here has nothing to do with the some old worn out myths about getting free property.

This plan has nothing to do with "free government land", mining claims or homesteading. Those are dreams from another era.

Much of the western United States was settled by "homesteading". That was a process where citizens could claim government owned land by occupying and improving it. The Homestead Act of 1862 was repealed in the 1970s.

Homesteading in that manner is no longer possible in the US or Alaska. There are some state land programs in Alaska, but they are not "give-aways".

Much of the land that's worth anything is either extremely remote or there is overwhelming competition for it.

What you'll learn in these pages is entirely different and absolutely legitimate.

Everyone who has an interest in real estate investing is aware of the "no money down" concepts that have been promoted over the years. It's not easy, but it can be done.

What would be better than no money down?

That's simple - No money down and no payments – ever!

Yes we said free real estate – no money down and no payments.

This manual will explain in detail how you can get free real estate and almost free real estate. It is all based on the power given to you by a **law called adverse possession.**

Bad Example

Before we get into the details we're going to present a bad example!

Yes, we're going to show you an example of how a husband and wife obtained free real estate, **but it is not the way you will do it.**

If it's bad why tell you about it? Because it was in the news at one time and you or someone you know may remember reading about it.

This information comes from a New Jersey Supreme Court decision. We will call the married couple involved the Adams.

The Adams owned a home. Next door was a vacant lot. The city owned the lot. The city had acquired the lot for unpaid property taxes. It was in a residential area and the city did nothing with the lot. It just sat there.

For over 20 years the Adams used this city lot. They fenced it, built a barbecue and paved a portion to use for parking their cars.

After using the lot for all those years they began a legal action that would give them legal title to the lot. This action is called an Adverse Possession lawsuit.

The city attorney fought the suit. One of his key defenses was that the Adams had not paid any property taxes on the lot during the twenty years they used it.

(As you will learn in a moment, paying property taxes is one of the requirements for most successful adverse possession projects.)

There were a couple of other legal issues in this particular case, but they do not concern us.

What was the outcome? The Adams won!

The court allowed them to acquire title to the property by means of adverse possession... with one condition. They would be required to pay all of the property taxes due.

The Adams had successfully used adverse possession to get free real estate. Taxes on an unimproved lot are very low, so even those back taxes did not amount to much when compared to the true market value of the property.

Another consideration in this example is that the lot they now own was right next to their home. They doubled the size of the land they owned, thus raising by a considerable amount the value of their home.

Why is this a bad example? You will seldom (if ever) be interested in beginning adverse possession on government owned land. In many states it is not possible.

You'll seldom want to spend twenty years acquiring land. In fact, in some cases it may take as little as a few weeks to have money coming in – but more on that a little later.

Even though this example is not a good one, it proves that average, everyday people like us really can get free real estate.

Once you learn to use adverse possession you'll begin to recognize how you can put this wonderful law to work for your own benefit.

Adverse possession laws have been on the books for hundreds of years, but only a very few alert people have discovered the law and taken the time to learn how to use it. Now you can join that group.

The first thing we must do is plow through some details. You'll have to understand the basics before you can get to work finding property.

Part 2

Identifying Ownership

As you begin your search for property that you can claim you must be able to learn all you can about each property that interests you. Your primary concern is:

Who is the owner – and where is he or she?

Here's how you gather that information...

Much of the information you'll need can be found in the office of the County Property Tax Assessor. This office might be called by another name in your county, but it will be very similar.

This is the office that keeps track of who is paying the property taxes (or should be paying them) on each parcel of real estate in that county.

In the records of this office you can find information on every parcel of property in the county. In years past this kind of information was usually on microfiche film or in computer files. Before that it was in books of printed pages.

The good news now is that in many areas you can find this information online without leaving your home as many Counties have their own website.

Every county in the United States maintains these property records. They all detail the same type of information for all of the property in their county.

There may be minor differences in coding and the form in which the information is cataloged and maintained, but once you've learned one system you can quickly understand most others.

COUNTY ASSESSOR

The information you find in this office is usually indexed three different ways:

1. Alphabetically by owners last name (Alpha file).
2. The street address of the property.
3. By Parcel Number - a code number assigned to each piece of property in the county. It's often called the "Assessor's Parcel Number" or AN.

These are public records. Anyone can visit the Assessor's Office or their website and study them. You'll use these records often, so take the time to become very familiar with them.

Don't be afraid to ask questions of the clerks working in these offices. They're city employees and are there to serve you. These are often low paying, repetitious jobs and you may find some of the clerks not as helpful as you might wish.

Remember that they've been asked the same questions a million times and aren't excited about answering them again. Always be pleasant, smile and find something nice to say about them. This will make the day easier for both of you.

With these indexes you can begin gathering information about any property in the county. If you have the street address you can use the address index to look up the property and find the name of the owner.

If you have someone's name and you want to learn if they own property in the county, you can check the Alpha file and find a list of all the real estate that person owns in that county.

As you might guess the Alpha file is arranged alphabetically by the last name of the property owners.

You'll sometimes use the AN (Assessor's Property Number) file to lead you to one of the other indexes.

What if while driving you find a property and there's no street number visible? Not to worry, the Assessor's office will have a "lot and block" map for all areas of the county.

Let's say the property is six lots from a corner lot. Write that fact down along with the names of the streets near that lot. With that information you can find the proper map in the lot and block book.

On the correct map you can count six lots from the corner to find the one you're interested in. On that lot there will be the AN. Now you can go to the AN index and find what you need to know about the property. This is especially useful when you're searching for rural or other undeveloped property.

If the above sounds complicated it's only because it's hard to describe without actually seeing the lot and block maps. Once you use them you'll readily understand how they work.

In addition to the name of the owner and the address of the property the indexes will often list other information, such as:

1. Date the property was purchase by current owner.
2. Zoning code.
3. Assessed value of property.
4. Property tax.
5. Name of prior owner.
6. AN number.

If the owner doesn't live at the subject property, one of the indexes will usually list the address where the tax bill is sent. This is often the owner's residence or business address.

The information you find in these indexes can be some months old. There is usually an additional index that is updated almost daily to reflect property sales that are occurring every week or so.

This index may have property arranged by Assessor's Property Number (AN). Always get the AN number from either the owner index or the address index and check for any recent ownership changes.

Sometimes a clerk has computer access to even more current information. This will be updated information that's been reported to the Assessor in the last day or two.

Always ask one of the clerks if they have more recent information than is available in the public access files. You won't necessarily need this every time you're doing research. Just on those properties you're ready to move on. Then you'll obviously want the most recent information possible.

COUNTY RECORDER

After you finish in the Assessor's Office/Website, move to the County Recorder's Office/Website. Often the most current information concerning changes in ownership will be found here. Every document that's recorded in the county can be found here. That includes mortgages, trust deeds, judgments, name changes and many other legal events.

Here you'll find the Grantor/Grantee index. It may have another name in your county, but it's a master index of every document that's been recorded in your county.

This is where you find notice of any change in ownership since the date the Assessor compiled the information in the Assessor's indexes.

With the Grantor/Grantee index you can also learn if the property has been sold at a foreclosure sale. You may find that probate action has been filed in the name of the current recorded owner. That means the owner died.

This index may be divided into groups of years. For example, documents that were recorded in a 5 year span, or a group of decades, year-to-date or monthly – right up to what was recorded yesterday.

This master index is alphabetical. You found the owner's name at the Assessor's Office/Website, now find that name in the Grantor/Grantee index.

You'll be able to see if any deeds concerning the owner and the property have been recorded during the time period covered by the index you're searching. Your primary interest will be the period that comes after the date the Assessor's files were compiled right up to the present date. This will reveal any late changes.

This master index may be a bit confusing at first. Ask a clerk to explain the details and you'll soon get the hang of it.

Remember that "ee" at the end of a word (grantee, mortgagee) means that is the person who is getting something – like a piece of property (they are receiving title).

On the other hand "or" at the end of a word (grantor or mortgagor) means that is the person who is giving something. They may be giving title to the buyer of their property.

It can also mean they're giving a security interest in their property in exchange for a loan or some other consideration.

Example: The mortgagor is giving a promissory note and mortgage/trust deed (security interest) in exchange for cash (loan).

You may also find that other documents have been recorded involving the person you're investigating, such as probate actions, judgment liens, tax liens, etc.

The documents that are listed in the Grantor/Grantee index have all been recorded. They've been scanned or a picture has been taken of them and they've become a permanent part of the county records. They're available for public inspection forever more.

Each index entry will be accompanied by a code number or "book and page number".

These will lead you to the computer file where the full text of the documents can be found. Ask a clerk for help. Here again, it's smoother after you've done it once or twice.

The Assessor's records and the County Recorder's records are important sources of information in your quest for free real estate. As you go forward you'll soon be much more comfortable using their website.

You'll also find this knowledge to be helpful in other areas of your life because you'll always know where to look for information on any property or person.

Here's a recap of where to find information you'll need -

The County Assessor's Office...

1. Owner's names.
2. Property addresses.
3. Assessor's parcel number.
4. Tax rate.

The County Recorder's Office...

1. Mortgage and Trust Deed records (ownership changes).
2. Other recorded legal actions.

Every year more and more counties are making all of these records available through the Internet. Check with the county offices you're targeting to see if they offer Internet access.

You can do a Google search for county web pages with a search phrase like: "Assessors office Maricopa county Arizona".

Now you understand the tools that are available to you for researching property. Next you'll learn what to do with them.

Part 3

The Secret!

Adverse Possession – that’s the secret! That is the power of law you will put into action.

Adverse possession is how you obtain ownership of real estate without the obligation of buying it from an owner. This wonderful law allows an alert person to fill the void left by a missing or uninterested owner.

It is NOT stealing. By rescuing abandoned property you are performing a service for society (and yourself).

Abandoned property becomes a blight on the community. It can become a haven for derelicts, a rendezvous for drug dealing, a danger to children, a fire hazard, and an eyesore that drags down surrounding property values.

Unused property generates no property taxes, so it becomes a financial burden on the entire community. Without adverse possession laws this property would continue to be a problem for city and county.

The requirements of adverse possession are simple, but they must be adhered to exactly. **The authors do not intend, nor are they qualified to give legal advice.**

In these pages we are relating what we have learned through our own efforts. You must take responsibility for any action you take in this area.

Laws change from time to time. Always consult an attorney before investing in real estate, especially when focusing on adverse possession, so you know you're doing things properly and lawfully in your area – and for the correct answers to any question you have.

The following five requirements of adverse possession apply in most states, but you must confirm that they apply in yours as suggested above by contacting a real estate attorney first.

(You can always learn more about adverse possession in your state in your county's law library. Any questions should be directed to a good real estate attorney in your area from there.)

Five Steps that MUST be Followed...

Here is what the law of adverse possession often says you must do if you plan to claim property.

NUMBER 1. Possession Held Either Under a Claim Of Right or Color of Title.

Has intent, as evidenced by his objective acts of ownership, to claim the title to the property and hold it against the world.

Example: Have someone pass his interest in the property (even though he has none) to you via a "Quit-Claim" deed. This type of deed simply passes from person #1 to person #2 any interest in a property that is held by person #1.

Person #1 might own the complete property free and clear, he might have a partial interest in the property or, as we are suggesting here, he may have no interest at all.

The county recorder may not allow this deed to be recorded.

In this case you are looking for something you can record that will put you on record as having started adverse possession. When something like this is recorded it is considered "constructive notice" of your interest in the property and it becomes a matter of record in your county.

One investor just deeds the property to himself. Nice, but not all counties will allow this. You may have to consult a good real estate attorney in your state to find out how to do this in an acceptable manner. You pay that attorney just one time for the information and then you know what to do in the future.

You may be able to record a Memorandum of Adverse Possession. This could be a simple document that you create. **For example:**

Memorandum of Adverse Possession

Let all interested parties know that on June 23, 2087, I Robert Smith began the process of claiming the property located at 1234 West South Street, Tombstone, Arizona under the law of adverse possession as described in The Revised Statutes of the State of North Colorado 123-4546.

The legal description of the property: etc, etc, etc,

This would establish the fact that you are claiming the property. This is constructive notice to the world of your adverse possession action and establishes the start date of your holding period.

(We advise you to seek the advice of an attorney in this matter.)

Another option might be to place a small classified ad in the "Announcements" section of the local newspaper:

"For information concerning the property that I am occupying at 1234 West South St. call 000 000-000."

Save a copy of the newspaper as evidence and as a way to establish the date that you began adverse possession.

(Earlier in this manual we mentioned "Color of Title". Here is an explanation of that term from one state's statutes:

"Title" means a regular chain of transfer from or under sovereignty of the soil. "Color of title" means a consecutive chain of such transfer down to the person in possession without being regular, as if one or more of the memorials or monuments is not recorded or not duly recorded or is only in writing, or such like defect as does not extend to or include the want of intrinsic fairness and honesty, or when the party in possession holds the real property by a land warrant or land scrip, with a chain of transfer down to him in possession.)

You will seldom, if ever, be able to claim title under "Color of Title". That's no problem if you carefully follow all of the required steps demanded by adverse possession. That will give you "Claim of Right".

NUMBER 2. Actual, Open, And Notorious Occupation of the Premises in Such a Manner as to Constitute Reasonable Notice to the Record Owner.

Use of property must be such that a reasonable person viewing it would know that the occupant claimed some title or interest in it.

Example: Make improvements, put in a tenant, maintain the property, put up a fence. Put a sign on the property that reads, "For Information Concerning This Property Call 000-0000". Any of these things would be considered "giving notice" that someone (you) were claiming an interest in the property.

NUMBER 3. Occupation Both Exclusive and Hostile to the Title of the True Owner.

Must not admit or recognize title of another. If claimant actually occupies the property claimed under "Claim Of Right", he may perfect his prescriptive title even though his claim of ownership is not in good faith and he knows he does not own the property until expiration of the prescriptive period.

Example: You must not strike any bargain with the true owner. If anyone claims to be the true owner you must bar him/her from the property and force him/her to prove legal ownership. This portion of the law gives you the right to start adverse possession even though you obviously have no other legal interest in the property. But you cannot make any deals with an owner.

NUMBER 4. Possession is Uninterrupted and Continues for at Least Five Years.

Example: You maintain, occupy, rent or use the property for a period of five or more years. (This period varies from state to state.)

NUMBER 5. Pay All Taxes Assessed During the Five-Year Period.

Must redeem delinquent taxes of prior years. Must pay all taxes for each year of prescriptive period. (The prescriptive period ranges from about five to twenty years depending on the state.)

Example: You must pay any property tax due. You can usually keep the property from going to a tax sale by paying the most recently due tax bill. After beginning your adverse possession you must keep property tax payments current to prevent the property from being offered at a tax sale.

>Those are the 5 iron clad rules of adverse possession.

After you've met all of the above requirements for a period of five years (or the prescribed period in your state) have your attorney take action to give you legal title (quiet title).

If you carefully follow these five steps you should be able to have such good title to the property that you will not have trouble getting title insurance for a buyer if you should decide to sell.

That's it! That is the law that gives you the legal right to claim property without passing cash to anyone.

It is simple to understand and abide by the law. There is no reason to cut corners and possibly make a mistake that would upset the process.

We feel that if you do some research in your county law library you will find that the steps for adverse possession are similar in your state.

Part 4

How To Do It

Now we come to the nuts-and-bolts of the system. Here's exactly how you may use what you've learned to acquire free real estate.

You'll now find a list of ways to find abandoned property. They're listed in no particular order of importance. You may choose to use just one or all of them.

METHOD #1

You may know that many counties have a yearly tax sale of properties where the property taxes have not been paid for a number of years.

Yes, it is possible to get a great buy at these sales. The problem is that many people are aware of this opportunity and they come to the sale ready to bid. If you have done your homework, have lots of cash and get lucky you may find a bargain.

Here's another way...

Search the web or contact the County Tax Assessor's office and learn when the next tax sale will be held.

Find out how you can get a list of the properties that are scheduled to be sold.

You can also do a web search for the terms...

“daily list of tax lien properties for sale”

“tax lien properties for sale YOUR COUNTY HERE”

You’re looking for certain properties before they go to sale.

On this sale list you’ll usually find the address of every property that will be offered for sale with the name of the owner, the owner’s mailing address (if different from the listed property), the tax collector’s code and the amount of tax due.

Will all of these properties be sold at the sale? No! Most will have the taxes paid by the owner just days before they are scheduled to go to sale. That’s why tax sales can be very frustrating. You can spend time researching a nice property only to find that the owner pays the taxes a day or two before the sale.

Here is one technique for tax sales...

Check the tax list and try to contact the owners of delinquent properties that seem interesting. In most cases this is a simple matter.

The names will be listed on the tax collector’s sale list with the property addresses. Write to them or find their phone number in the telephone directory and give them a call. In most cases you’ll learn that they’re well aware of the situation and that they plan on paying the taxes in the next few days.

Occasionally you’ll find a distressed owner who can’t come up with the tax payment. This will not be a free deal, but it may be an opportunity to make a terrific buy.

Be prepared to make a "no money or little money down" offer to buy the property. The owner will lose their property at the tax sale often without getting much or anything in return if they choose not to sell.

In a few cases you'll be unable to find the owner.

Did you get that? A piece of property is scheduled to be sold at auction and the owner cannot be found!

This could be one of the golden opportunities you're looking for. It may be the perfect situation for adverse possession.

If you can't find the owner that means the tax collector probably had the same problem and has not been able to contact them with tax bills and a notice that their property will be sold at auction.

The owner may not be aware of the situation. They might not even know they own the property - yes that really does happen!

He or she may be missing, or hiding, or goofy, or dead, or broke, or out of touch with reality. Yes, all of those things can happen.

You must do some detective work to really make sure the owner can't be found. Don't cut corners in your search for the owner. It's not difficult, but it must be done.

Check the tax assessor's owner index to see if the same person owns other property in the county and can be reached through it.

Check the phone directory of your city and surrounding cities.

Do a web search for the person's name. Along with the name, also include the city/county in which the property is located to try and narrow down the search.

Check the Voter Registration Index to see if the owner's name shows up there.

Speak to neighbors of the subject property.

Send a letter to the property address marked "Address Correction Requested".

Contact people with the same last name (unless very common) found in the phone book or property index to see if they know the missing owner.

Search online to find “skip trace” type websites where you can search for names, addresses, email addresses and telephone numbers.

After you’ve made an exhaustive search and you still can’t find the property owner you’re ready to make your move on the property.

What you do in this situation is to visit the tax collector’s office the afternoon of the day before the sale.

(Usually the tax due can be paid right up to closing time on the day before the sale and the property will be removed from the sale list. Check the rules in your county.)

The idea is to pay the tax at the last possible moment, so you can be sure that the owner is not waiting to do the same thing. They seldom wait until that last moment, but paying as late as possible is your insurance.

So, if the taxes are still unpaid at the county’s deadline - PAY THEM! Then the property will be withdrawn from the sale.

Now you have exclusive knowledge! You probably know something not known by anyone else. You know that the owner of this property is not to be found.

You know that if the property does have a living owner they are not in a position to redeem their property or did not know it was in jeopardy. Your search for the owner has shown that they do not seem to be in the area.

In most states a property is not sold at a tax sale unless taxes have been unpaid for a number of years. All during that time the tax collector has been sending tax bills to the owner of the property. It’s not as if the property owner should not have known that they owed money to the county.

A Property Tax Sale

Here's what happened in one California County at a past tax auction sale.

There were 150 properties on the county's original tax sale list. All but 23 of these properties had the taxes paid before the sale. 70 people showed up at the sale and made the \$500 "good faith" deposit required by the assessor to become a bidder. All but 2 of the properties were sold.

The county set the minimum bid at 25% of the property's fair market value - as determined by the county assessor. Those minimums ranged from \$50.00 to \$60,000.

Most bids substantially exceeded the minimum. A property with a \$50 minimum sold for \$2,700. One with a \$500 minimum sold for \$50,000 - 100 times the minimum.

The important point is that there were 21 properties that were sold at the auction because of unpaid taxes. Buyers researched these and knew they had value. That is why bidders were willing to pay large amounts of money for them.

You could have gone into the tax collector's office the day before the sale and paid the taxes. This would have removed the property from the sale list.

It also would have removed the property from the minds of those who were bidding at the sale. They would have thought this was just another property where the owner paid the taxes, as was the case with most of the other properties on the list.

See, now you're the ONLY person who knows the owner did not pay the taxes. This is prime property for adverse possession – free or nearly free real estate.

Many properties offered at tax sales are vacant lots, which may or may not have potential value. Some might be scraps of land that are not worth a nickel. They just suck up property taxes.

You must be sure the property you target will be worth the years of taxes that you must eventually pay to gain ownership.

Some may have potential for development, some may be valuable to adjoining property owners, some may have value in trading for other property or goods in the future, some may be "fixer" properties and some may be fine properties ready to be rented and start producing income.

Property Taxes Part II

Somewhere in your county's offices there's a list of property that's delinquent in property taxes. They have not been delinquent for enough years to be on the tax sale list. These properties are prime targets.

You can go through the list and find the properties that are just a year or two away from being sold for back taxes.

Do some investigating and see if the owner is to be found. Maybe this is a case of the property owner being uninterested or unable to pay the taxes and keep the property.

You may find opportunities to acquire free or bargain real estate here before any other investors are aware of them. That means less competition and a better chance for a low or no-money down deal.

Method #2

Some property has been abandoned.

I know that any rational person will have a hard time believing this, but not everyone on earth is rational.

For whatever reason, some people just leave their property with no intention of ever coming back. You may find it vacant, run-down and often in a less desirable part of town. Don't be put off by this until you've heard the whole story.

You may find this property by driving through the lower income sections of cities (although it can turn up in any area). Write down the address of every vacant, run-down house you pass.

(Use a form like Exhibit #1 - Found later in this manual).

Be aware, some people just don't care how their home appears to others. Some houses you will think must be vacant will not be. You'll soon become expert at spotting the prime candidates.

Should you limit your search to just the less prosperous areas? No!

Properties may be found in any area, so keep your eyes open wherever you travel. It only takes a few minutes to check out a property, so don't overlook anything just because it seems too good to be true.

Watch for completely uncared for yards, no garbage cans, broken windows, no electrical hookup, etc.

If you see a letter carrier in the area ask them about a house you're interested in - and if they're aware of any other vacant houses in the neighborhood.

When in doubt write down the address. You don't want to miss any opportunities. We've seen situations where neighbors kept the yard of an abandoned property cleaned up for the sake of the neighborhood's appearance.

With the information you've gathered, visit the Assessor's Office/Website. Check the index that lists property by address. Locate the address of the target property and find the owner's name and address.

Sometimes their current address will be the same - sometimes different.

It could be that they're actually living in the house. Some houses that appear vacant are not.

Many times the owner's address will be the same as the target property, but on closer examination it may be clear that no one has occupied the property for years. In these cases you may find that property taxes have not been paid.

In any case, you send a letter like Exhibit #2 (offered in this training) to the owner at the address you find in the Assessor's index.

One of three things happens:

1. You get no response.
2. Your letter is returned marked "Vacant", "Not Here", "Forward Expired", Etc.
3. The owner contacts you with an interest in selling the property. This could be a good bargain situation for a real estate investor.

NO RESPONSE - If there's no response you send the letter a second time to see if you get an answer. You may even try to call.

Go to your public library and ask to use the "criss-cross" directory.

This book indexes a phone number for each address in the city (unless unlisted). Look up the address and find the phone number. You may be able to do this on the Internet.

You want to learn if the owner really did get your offer. In some cases a current occupant may not be the owner and they just throw away any mail that doesn't have their name on it.

If you make a phone call you may find the owner no longer lives there. You may learn their current address or that they're nowhere to be found.

Most often there is no response, because no one lives there.

LETTER RETURNED - If your letter is returned for any reason you simply start trying to locate the owner just as you will if the "no response" owner is found missing. Use the same means of searching as you did for the tax sale property, plus:

1. Check the index at the Registrar of Voters. If they've registered to vote the index will list their address.
2. Check the Probate index in the County Clerk's office/website. See if the owner died and their estate was disposed of.
3. Check the index at your local Federal Bankruptcy Court. There you can learn if the bankruptcy trustee has disposed of the deceased's property.
4. Check the courthouse criminal index. Is the property owner in jail?
5. Check Health Dept. List of deaths. Is the owner dead?

(In the situations above also consider knocking on the door of the subject property to see if anyone answers.)

OWNER RESPONSE - If the owner is interested in selling then consider trying for a no money down deal. The property may need a lot of fix- up, so the owner can understand that your cash must be spent for that.

You agree to buy "as is", pay all closing costs, and begin small payments as soon as you're able to get the house rented.

You have the seller carry back a promissory note for the sale price with payments that allow you to put money in your pocket every month. In other words, the rent you collect will be more than the amount you are paying on the note each month. That leaves you with positive cash flow – money to spend or save.

(Closing costs should be very low for there will be no real estate sale commission, no loan fees and no "points". As on any real estate purchase you must get title insurance. The cost for that is nominal. Of course you'll want to have insurance on the house as well going forward.)

Will every owner go for that kind of deal? No but some will. You may have to make 20 offers to have one accepted. The point is, since you're already doing all of this searching to find free property, why pass up these bonus opportunities?

You might also consider a low ball offer and then sell the property quickly to an investor.

METHOD #3

Be alert for opportunities. Once you become aware of something like adverse possession you must program yourself to be alert for situations where your knowledge can be put into practice.

Tape some reminder messages around your home or work place. Just slips of paper that read, "FREE R.E.". These notes will lodge the concept in your subconscious and help you recognize opportunities when they appear.

Land out in the country may also be a good target for adverse possession. This is especially true with older, undeveloped recreational projects.

In many areas rural lots were sold for future retirement homes. Years passed and the owners changed their minds. Values may have dropped because no development took place. Lots became hard to sell. Taxes stopped being paid.

You may be able to put together groups of these lots through adverse possession and control valuable land with favorable zoning.

Newer zoning laws may be restrictive. It could be that now land can't be subdivided, but you may hold land that has already been approved and divided. This may potentially be a very profitable situation in many areas.

Even commercial property may be abandoned – stores, warehouses, vacant lots in commercial areas. Stay alert and do not assume anything without checking.

You might just stumble across a golden opportunity where you least expect it - just because you understand adverse possession.

METHOD #4

Look in the Assessor's owner index under the letter "u" and see if there are any "unknown owner" listings. When we did a check like that in a certain county we found 28 parcels listed with unknown owners. In some listings there was an address where the tax bill was being sent. It would be worth checking those to see if the owner really was at that address. Others were potential candidates for adverse possession.

Yes, the opportunity for free real estate is out there. It's invisible to all except those of us that know how to look for it. Pick one method and get started.

Part 5

What Could Go Wrong?

Right now I bet you are thinking, wait a minute! What if I start adverse possession on a property and the owner shows up?"

Fair question. Let us think about that.

Often the houses you find for adverse possession are in areas where you would not buy investment property. You probably would never live there.

But remember we are not talking about buying. We are talking about free real estate, or almost free. We say "almost", because even though there is no purchase price you will have to spend some money to make these houses fit to rent if that's what your goal is.

Since these are usually low-end rental houses you're going to spend as little as possible in fix-up. Plumbing must work, there must be hot water and a source of heat.

Windows must be glassed, rooms clean and painted, vinyl floor covering or carpet glued to floors. The house and yard must be clean, safe and livable. Remember that most all of these things can be done at minimal cost.

When the house is clean and ready you can rent it quickly. You can do this because you have no monthly mortgage payments. That means you can set the rent well below the market rate for the area.

This should bring you more tenants to choose from, quicker. You can then choose from the very best people who are shopping for housing in that price range and in that area.

This is something that many real estate investors don't understand. When you set a rental rate for your property there's a certain group of people who will be interested in renting at that price. Some will be good tenants and some not so good.

If your rental rate is a little below the going rate you should get more of the better prospective tenants interested in your property. With careful screening you can rent to the very best and hopefully have people who will pay the rent on time and take good care of your property.

Those owners who try and squeeze every last dime out of the property with high rents often end up with tenants no one else will accept. That can lead to big problems and more vacancies with no money coming in.

If you've done an efficient fix-up job on the property you could recoup your costs in just a few months. Why? Because you have no mortgage payments to pay.

This is your period of risk, the time it takes to have your costs returned. Once you have the costs back in your pocket the rental income is almost pure profit.

If the worst happens and the owner shows up years later, so what? You'll hopefully have a bag full of free money.

What happens if the owner shows up before your repair costs have been returned? You can try to work out a purchase with the owner.

This may or may not be easy, but it's worth a shot. There's another scenario here that you can keep in mind.

When you first target the house as a candidate for your program, the property may be in violation of some city ordinance, such as "over- grown" yard or unlocked doors and windows creating a hazard to children in the area. File a complaint with the appropriate city department, so that they will come out and post a warning notice on the property.

Now when you go in and clean the place up you have performed a public service. If the owner does show up at some future date and takes back the property you may have grounds to bring suit and recover your costs. **Seek good legal advice on this situation.**

LOOK WHO IS HERE?

We spoke with an investor once who had begun adverse possession on a property. After a few months a man who purported to be the owner showed up and proclaimed himself.

The investor bluffed him by saying the owner had lost the property because it was put up for sale by the county for back taxes. (That was true. It was put up for sale it just never got to the sale because the investor paid the taxes just before the auction.)

The alleged owner turned around and walked away. Was he the real owner? Who knows but he was gone.

If you have done your search and investigative work properly you should seldom have to worry about the appearing owner.

In most cases, if you've followed the proper steps handed down by the government, you will satisfy the adverse possession requirements and gain legal title to the property.

Meet with a good attorney who specializes in real estate when it's time to file for legal title. This is mostly paperwork and you can do a lot of it yourself after you've seen how the attorney does it. You should, of course, keep copies of all the paperwork

Speaking of keeping paperwork, keep good records so you can prove you made an earnest effort to find an owner before you began adverse possession.

Keep a log for every property that you investigate. Write down every step that you take in your attempt to find an owner. That includes every phone call, every visit to a government office – everything.

I know that all of this may seem like a lot of work right now. Once you get started you'll find that it's really a lot of fun. It's like trying to solve a puzzle with a pot of gold as the prize.

Part 6

LAST THOUGHTS

There are a couple of tricky situations that you must cope with when you begin your first adverse possession.

The first is to try and get something with your name on it recorded against the property. Earlier we mentioned of the investor who just types out a deed that transfers the property from himself to himself.

The problem in some counties with that tactic is that the Recorder will not accept such a document. You must consult a good real estate attorney in your area and see what they advise.

A consideration may be to just create and record a Memorandum of Adverse Possession.

The other important point is to establish a date that marks the beginning of your 5-year period of adverse possession.

In 1992 the California Revenue and Taxation Code (610) was amended as follows:

An individual seeking to be assessed for a property already on the tax roll must provide the assessor with ANY of the following:

1. A certified copy of a deed, judgment or other instrument creating a legal ownership interest;

2. A certified copy of any document creating a security interest in the property; or;
3. A declaration under penalty of perjury, the individual currently has possession of the property and seeks to be assessed for the property to perfect an adverse possession claim.

Number three should be the ideal way to establish an interest in the property and a date for the start of the five-year period of adverse possession. California law is often used as a model when other states are drafting regulations, so your state may have the exact same provision.

We remind you, whenever you go through the process of adverse possessing a property, consult an attorney who specializes in real estate. They will be able to tell you what you must do in your state to avoid problems and perfect title. It will be money well spent.

It's possible that the attorney has seldom, if ever, handled a case of adverse possession. If that's the situation they'll probably have to research any question that you ask - the same type of research that you've done at your county's law library. The law is on the books and it works.

You'll seldom adverse possess a property that has an existing mortgage. The properties you discover have usually been abandoned for some time and if there had been a mortgage on the property the lender would have foreclosed and taken possession long ago.

In case you should ever find an abandoned property with an existing mortgage you must contact the lender and arrange to bring the payments current...or get new financing and pay off the loan. In scenarios like this you'll want to try to locate the owner and negotiate a good deal.

Never begin collecting rent from a mortgaged property without making payments on the loan. That is called "skimming" and it is a criminal offense.

Effort Is The Price Of Opportunity!

Here's the question you can answer to your own satisfaction –

"Is the effort worth the reward?"

Many people will find a reason to say no to that question. They're unwilling to accept this truth - "Effort is the price of opportunity!"

Many others will see the exciting potential of adverse possession –

1. It can be fun and done as a hobby.
2. It's useful. It reclaims needed, low cost housing or other unused property.
3. It can be profitable. With no mortgage payments your cash flow can grow.

As an exercise, get your calculator and figure what your income will be at the end of five years if you found and rented just one house per year at \$700 per month. Then calculate your income if you found two houses each year? Three...?

Another thing - you have more than just cash flow at the end of the proscribed period. You can then take efforts toward legal title to the property you have acquired through adverse possession.

That should add thousands to your net worth. Then every year after that you may take title to additional property – that's more net worth.

If needed, once you have legal title, you can put mortgages on some or all of the property and pull out large amounts of cash... tax free.

Or simply sell the property.

Here's an example of potential income through adverse possession -

Years ago an investor in Texas telephoned us to explain that he had found a parcel of ranch land in his area that was behind in property taxes. He was not able to find an owner, so he decided the land was a prime target for adverse possession.

The land was located just outside of Fort Worth. There was some livestock grazing on the property.

The investor drove out and put up a large sign that could be read from the road that passed one side of the property. The sign read, "For Information Concerning This Land Call 000-0000."

Within the week a neighboring rancher called and asked if the investor was the new owner. The investor replied that he was. The neighboring rancher said that he had been using the land for pasture for a few years and would like to continue to do so. Then he asked how much the monthly rent would be to keep his livestock on the property.

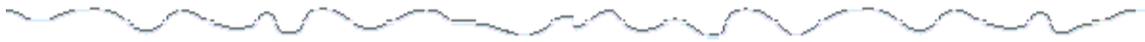
The investor had income flowing from that property within a handful of days from the time he marked it with a sign.

The opportunity is within your grasp. Go forth and prosper!

Part 7

EXHIBITS

Exhibit #1



Property Info Sheet

(Use when scouting for property.)

Address:

(If no house # visible record numbers of adjoining properties.)

City:

House: _____ 2-units _____ 3-units _____ 4-units _____ Apt _____

Color: _____ Roof: _____ Garage: _____ Fenced: _____

Description of property:

(Broken windows, collapsed porch, fire damage, etc.)

Condition of adjoining property:

(Occupied? Well cared for? Vacant?, etc.)



Exhibit #2 (Letter to property owner)

Bob Buyer
123 Bell Street
Tiptoe Town, LL 09876
000 000-0000

3/10/2089

Homer Homeowner
123 Zippy Lane
Big Deal, AZ 09876

Hello NAME,

I am contacting homeowners in this area to learn if anyone may be planning on offering their home for sale. My business is buying and renting homes and I am always looking for new properties. I am not a real estate agent.

I am experienced in buying homes quickly with purchase agreements that benefit both buyer and seller.

Do you know of anyone who is interested in selling? If so, please pass my telephone number on to them. If you will call me with their name and number I would be most grateful.

Sincerely, Bob Buyer

000 000-0000



EXHIBIT #3

PEOPLE SEARCHING

There are many sites on the Internet that will allow you to search for people and information. Simply do a search for “people search” or “skip tracing”.

Your first effort will be to try and find the owner of a property. Can the owner actually be found? If not, you consider proceeding with the adverse possession.

If the owner is found you may consider making an offer to purchase. Whenever you plan on negotiating with a person for the purchase of a property it's important to learn all you can about them and their situation. Is the person recently divorced, are there judgments against them, have they filed for bankruptcy recently, has a driver's license been suspended, has the person bought or sold property recently, is legal action pending, etc.

That kind of information will tell you if the person is negotiating from a position of strength or weakness. It can indicate how you should frame any offer to buy.

If you know the person is in a tight financial spot you may wait them out. You may suggest that you'll just walk away if they won't accept your offer.

The pressure is on them. You can find many other properties. Take your time and let them come to your offer.



EXHIBIT #4

BRUSS on AP

Bob Bruss was an attorney, investor, author and friend of ours. He was a syndicated real estate columnist and his weekly articles were carried by hundreds of newspapers across the United States. The following is Bob's answer to a reader's question:

QUESTION: We suspect our neighbor has abandoned his property. This residence has been occupied only one week in the past three years. It has not been maintained or repaired during this time and is now in a state of disrepair. There is a substantial property tax delinquency. It will be coming up for tax sale soon. We could be interested in bidding to protect our property value. What issues should be considered?

BRUSS'S ANSWER: First, visit the property tax collector's office to learn how much property tax is owed. As a concerned neighbor, you might want to pay those taxes to prevent the property from going to tax sale, where there could be intense competition from other bidders. If you buy at the tax sale, however, you purchase "as is", so remember "buyer beware" applies.

Second, try to find out what happened to the property's last legal owner. Did he die? Maybe he is still alive, and if you can find him, he might sell you a quitclaim deed really cheap. Before doing that, however, obtain a title report to learn what liens, if any, are against the property. If there was an unpaid mortgage, the lender probably would have foreclosed by now.

Third, if you can't locate the last legal owner or any heir, you might want to pay the property taxes (to stop the tax collector from selling the property) and occupy the property. This trespass is called adverse possession, and it's perfectly legal.

If nobody shows up to claim the property and kick you out, after the required number of years of "open, notorious and hostile" occupancy, you can obtain legal title in a quiet title lawsuit. For more details please consult a local real estate attorney.

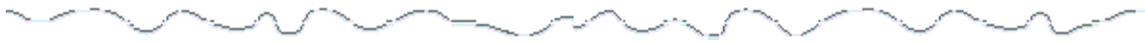


EXHIBIT #5

MORE ADVERSE POSSESSION INFO

Here's more information about adverse possession. You'll find opinions, commentary and excerpts concerning the laws of various states. What you'll learn will help to guide you in your actions.



A. Function: All states have statutes of limitation that eventually bar the owner of property from suing to recover possession from one who has wrongfully entered the property. (Suits to recover property are called "ejectment" suits.) Once the limitations period has passed, the wrongful possessor effectively gets title to the land. This title is said to have been gained by "adverse possession."

1. Clears title: The doctrine of adverse possession also furnishes the additional benefit of clearing titles to land.

Example: A state has a 20-year statute of limitations on ejectment actions. X claims that he holds title to Blackacre, and wants to sell it to Y. Y will only have to check the land records going back 20 years, plus perhaps some additional period to cover the possibility that the running of the statute of limitations might have been "tolled" for some reason in order to check X's claim of ownership. The fact that, say, 100 years ago X's alleged "predecessor in title" took the property by wrongfully entering on it, is irrelevant, since the right of rightful possessor to regain possession has long since been barred by the statute of limitations.

B. Requirements generally: To obtain title by adverse possession, the possessor must satisfy four main requirements: (1) he must actually possess the property, and this possession must be "open notorious and visible"; (2) the possession must be "hostile," that is, without the owner's consent; (3) the possession must be continuous; and (4) the possession must be for at least the length of the statutory period (perhaps longer if the owner was under a disability).

II. OPEN, NOTORIOUS AND VISIBLE

A. "Open, notorious and visible" requirement" The adverse possessor's use of the land must be "open, notorious and visible." Usually, this means that the possessor's use of the property must be similar to that which a typical owner of similar property would make. Example: Blackacre is undeveloped wild land suitable only for hunting and fishing. If D builds a small hunting cabin on the land, and enters several times per year to hunt and fish, this will meet the "open, notorious and visible" requirement if a typical owner of similar property would make such limited use. But it would not qualify if a typical owner would use the property more extensively, build a much bigger dwelling, etc.

III. "HOSTILE" POSSESSION

A. "Hostile" possession: The adverse possession must be "hostile." This merely means that possession must be without the owner's consent. Example: T occupies Blackacre under a lease from O, the record owner. T's possession of the premises is not "hostile" since it is with O's consent, so even if T resides for more than the statutory period, he does not become owner by adverse possession.

B. Bad Faith possessor: A minority of courts impose the additional requirement that the possessor must have a bona fide belief that he has title to the property. Thus in these minority states, a mere "squatter" never gets title.

C. Boundary disputes: Adverse possession is most frequently used to resolve mistakes about the location of the boundary lines. Most courts hold that one who possesses an adjoining landowner's land, under the mistaken belief that he has only possessed up to the boundary of his own land, meets the requirement of "hostile" possession and can become an owner by adverse possession.

IV. Continuity of possession: The adverse possession must be "continuous" throughout the statutory period, as a general rule.

1. Interruption by owner: Thus if the owner re-enters the property in order to regain possession, this will be an interruption of the adverse possession. When this happens, the adverse possessor must start his occupancy from scratch.

B. Tacking: Possession by two adverse possessors, one after the other, may be "tacked" if the two are in "privity" with each other. That is, their periods of ownership can be added together for purposes of meeting the statutory period. Example: Z, who owns Whiteacre, adversely possesses a small strip of the adjacent Blackacre, due to confusion about boundaries. Z adversely possess that piece of Blackacre for 15 years; he then sells Whiteacre to P, who holds for another seven years (and who adversely possesses the same strip). Z's 15 years of possession can be "tacked" to P's seven years, so the P meets a 20 year limitations period. (In most courts, this is true whether Z's deed to P recited the false boundary lines that A and B believe to be correct, or recited the true boundary lines that do not include part of Blackacre.

1. No privity: But if the two successive adverse possessors are not in "privity", that is, do not have some continuity of interest, then tacking will not be allowed. Example: Z adversely possesses Blackacre for 15 years. He then abandons the property. B then enters for another seven years. B cannot "tack" his holding period to Z's holding period, since they had no continuity of interest. But if Z had purported to give B his interest by oral gift, deed, bequest or inheritance, then B could tack.

V. MISCELLANEOUS

A. Length of time: The length of the holding period for adverse possession varies from state to state. It is usually 15 years or longer.

1. Disabilities: If the true owner of property is under a disability, in nearly all states he is given extra time within which to bring an ejectment action. Example: Statutes often hold that the running of the limitations period is suspended until the true owner becomes 21. Usually, the person is given an additional time, say 10 years, to sue after he reaches 21.

2. Tacking on owner's side: There is effectively "tacking" on the owner's as well as the possessor's side. Example: O is the owner of Blackacre in 1950, when A enters and begins to adversely possess. In 1960, O conveys to X. Under a 21 year statute, A will gain adverse possession in 1971, even though he has not held for 21 years against either O or X separately.

B. Rights of adverse possessor: Once the statutory period expires, the adverse possessor effectively gets title. However, the possessor usually cannot record title (he has no deed). But he can apply for a judicial determination of adverse possession, and if he gets it, that determination can be recorded as if it were a deed.

1. Need to inspect: Since a title gained by adverse possession usually cannot be recorded, a buyer of property cannot be sure that the record owner still owns it (and that the record owner can therefore convey a good deed) unless the buyer physically inspects the property.

2. Scope of property obtained: Normally, the possessor acquires title only to the portion of the property "actually" occupied.

a. Constructive adverse possession: But there is one important exception: by the doctrine of "constructive" adverse possession, one who enters property under "color of title" (a written instrument that is defective for some reason) will gain title to the entire area described in the instrument, even if he "actually" possesses only a portion.

C. Conflicts: If there is a conflict between two person's whose interests are solely possessory, the general rule is that the first possessor has priority over the subsequent one.

"Color of title" means there is a document giving the appearance of title, but which document is not legally valid.



From Arizona Statutes

12-523. Real property in adverse possession under title or color of title; three year limitation.

A. An action to recover real property from a person in peaceable and adverse possession under title or color of title shall be commenced within three years after the cause of action accrues, and not afterward.

B. "Title" means a regular chain of transfer from or under sovereignty of the soil. "Color of title" means a consecutive chain of such transfer down to the person in possession without being regular, as if one or more of the memorials or monuments is not recorded or not duly recorded or is only in writing, or such like defect as does not extend to or include the want of intrinsic fairness and honesty, or when the party in possession holds the real property by a land warrant or land scrip, with a chain of transfer down to him in possession.

12-526. Real property in adverse possession and use by possessor; ten year limitation; limit of area; fixing of boundaries under duly **recorded memorandum of title**.

A. A person who has a cause of action for recover of any lands, tenements or hereditaments from a person having peaceable and adverse possession thereof, cultivating, using and enjoying such property, shall commence an action therefor within ten years after the cause of action accrues, and not afterward.

B. The peaceable and adverse possession referred to in subsection A shall not embrace more than one hundred and sixty acres, including the improvements or the number of acres actually enclosed if less than one hundred and sixty acres is so enclosed, but when such adverse possession is taken and held under **some written memorandum of title** other than a deed which fixes the boundaries of the possessor's claim and is duly recorded, such possession shall be construed to be coextensive with the boundaries specified in such instrument.



In order to actually get title to the land in question, the claimant will have to file a complaint in court in what is known as "an action for quiet title." The burden of proof will fall on your shoulders. Be sure you can present evidence that you have complied with all of the requirements.

Open, Notorious and Visible: Take photos of the sign you put up when first beginning your claim, "For Information Concerning This Property Call 000-000-000". Take photos of people living in, using or improving property. Take them every six months and date them by holding up the front page of a local newspaper in one of them.

Hostile Possession: Make no agreements of any kind with anyone claiming to be the property's true owner. Make them prove they are the rightful owner, then try to buy with no money down.

Continuity of Possession: Your word and yearly photos may be enough. If you are paying the property taxes each year that would be proof. Or have some minor service performed on the property each year. Keep a record of the name, address and bill of the person performing the service.

Holding Period: Record a memorandum indicating you are an adverse possessor. Purchase a small classified ad indicating for information concerning the property they should contact you. Save a copy of that newspaper.



Here's an example of a document filed with a court to begin a quiet title action:

(Name, Address of Party or Attorney)

State Bar No: _____

(_____) _____ - _____

Attorney for _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF _____

[PLAINTIFF(S) NAMES]

Plaintiffs,

v.

[DEFENDANT(S) NAMES]

and All Persons Claiming Any Legal or Equitable Right, Title, Estate, Lien, or Interest in the Property Described in the Complaint Adverse to Plaintiff's Title, or Any Cloud On Plaintiff's Title Thereto and DOES 1 through 10, inclusive, Defendants

)

)

)

CASE NO: _____

COMPLAINT TO QUIET TITLE
(Adverse Possession)

Plaintiff complains and for causes of action alleges as follow:

1. Plaintiff _____(name) is, and at all times mentioned in this complaint was, a resident of _____ County, California.

2. Defendant _____(name) is, and at all times mentioned in this complaint was, a resident of _____ County, California.

3. Plaintiff does not know the true names of defendants all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to plaintiff's title or any cloud on plaintiff's title thereto and DOES 1 through 10, inclusive, and therefore sues them by those fictitious names. The names, capacities and relationships of DOES 1 through 10 will be alleged by amendment to this complaint when they are known.

_____ [Optionally, in addition to language in charging allegations that includes fictitiously named defendants: Plaintiff is informed and believes and on that basis alleges that each of the DOE defendants claims, or may claim, some interest in the real property described in paragraph 4 of this complaint.]

4. Plaintiff is the owner by adverse possession of real property located in _____ County, California and more specifically described as :
[set forth legal description]

[Add if applicable any street address.]

5. Plaintiff has possession of all real property described in paragraph 4 of this complaint by actual, open, hostile, continuous, and exclusive possession.

6. Plaintiff's possession has been actual, open, hostile, continuous, and exclusive since _____ [date], in excess of the 5-year period set forth in Code of Civil Procedure sections 318,319, 321-323.

7. Plaintiff has been in possession of the real property described in paragraph 4 of this complaint by virtue of _____ [set forth the type of written instrument, judgment, or decree, such as: a tax deed executed on _____ (date), by _____ (name), and recorded on _____ (date).]

8. Plaintiff has been in continuous possession during the 5-year period described in paragraph 6 of this complaint, adverse to defendants and to all other persons, in support of plaintiff's title to the real property and as curative of any defects in the _____[set forth type of document whether written instrument, judgment, or decree, such as: tax deed], or other defects which might have existed with reference to it.

9. Plaintiff has paid all taxes and assessments that have been levied or assessed against the real property described in paragraph 4 of this complaint during the 5-year period.

10. Defendants claim an estate or interest in real property described that is adverse to plaintiff.

WHEREFORE, plaintiff demands judgment against defendants as follows:

1. For judgment that plaintiff is the fee simple owner of all right, title, and interest in a and to the described real property;
2. For judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property;
3. For such further relief as the court may deem proper.

DATED _____
(Signature)



REMEMBER - "Color of Title" denotes that the party claiming adverse possession holds a deed or other document of title; whereas under the concept of claim of title or right, the party claiming adverse possession has no deed or other document of title, but merely asserts ownership. You will be operating under the concept of claim of title or right.

With that said, and as we've mentioned before, make sure you talk with a real estate attorney before you start doing all these things so you know you're doing them properly and lawfully in your area.

Go forth and prosper!

For more good real estate investing ideas visit...

CreatingWealthClub.com

NOTICE! The authors and publishers of the material found here are not accountants or attorneys and so are not qualified to give accounting or legal advice. All information is based on their research and is presented in good faith. They are not responsible for errors and omissions. No legal advice is being given in any of our material. Laws change from time to time. **Always consult an attorney before investing in real estate so you know you're doing things properly and lawfully in your area.** By reading this you understand this to be an expression of opinions and not professional advice. You are solely responsible for the use of any content and hold CreatingWealthClub.com, LLC and all members and affiliates harmless in any event or claim, demand, or damage, including reasonable attorneys' fees, asserted by any third party or arising out of your use of, or conduct on, this product and/or website.

© Worldwide Copyright CreatingWealthClub.com, LLC. This material may not be reproduced or transmitted in any form by any means without the express written permission of the copyright holder. All Rights Reserved.