



Attachment 10-1

Adverse Possession

*Adverse possession in New Hampshire is partially regulated by statute, but largely by the state courts. There is no single statute in New Hampshire that dictates the elements a trespasser must establish in order to prove adverse possession. Rather, the courts have set forth a variety of such factors over many decades of issuing decisions in individual cases. The following **article written by Lauren Treadwell** outlines the legal process for determining whether a squatter, neighbor, or trespasser, has rights to a property. This article is found at:*

<https://legalbeagle.com/6909908-squatters-rights-new-hampshire.html>

WHAT ARE SQUATTER'S RIGHTS IN NEW HAMPSHIRE?

The term “squatter’s rights” describes the process of adverse possession. This is the legal route one can take to gain ownership of real estate by possessing the property for a number of years. It most often comes into play when a land survey reveals that the property line isn’t where a property owner thought and a neighbor has been using the land as his own. New Hampshire law requires people who wish to use adverse possession to gain ownership of land to meet specific criteria.

LENGTH OF POSSESSION

The validity of an adverse possession claim hinges on how long the claimant has lived on the property. This time limit is known as the statute of limitations, and once it passes the original owner can no longer bring legal action against the possessor to retrieve the property. **Adverse possession claims in New Hampshire have a 20-year statute of limitations.**

ADDITIONAL CRITERIA

Beyond the length of possession, claimants must meet additional requirements to successfully gain ownership under adverse possession:

- **Claiming Ownership:** The possessor must make a claim of ownership over the property either in writing, verbally in front of witnesses, or by making use of the property. According to [New Hampshire attorney Andrew Myers](#), this includes growing plants and building structures such as fences.
- **Continuous Occupation:** The possessor must have lived on or used the property for work without interruption for the entire twenty years. Moving away from the property causes the

statute of limitations to restart. However, using the land only seasonally for farming or grazing still fits the definition of continuous.

- **Open Possession:** The claimant cannot attempt to hide his occupation of the property.
- **Unauthorized Occupation:** The claimant must occupy the property without the consent of the owner.

CONTESTING ADVERSE POSSESSION CLAIMS

Property owners can take action against an adverse possession claim before the statute of limitations expires by filing a trespassing motion in court. Owners can also show try to show that the claimant hasn't met one or more of the necessary criteria, such as proving that the claimant has not occupied the property continuously or for the required amount of time. Owners can also use a lack of fencing or other structures on the property to show that the possessor was not actually using it as his own.