

## Supplement and Final Exam Answer Grid—*SQUATTERS!*

Course Fee: \$39 6 hours CE Credit

Name (PRINT) \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone # (        ) —    —    — -    —    —    —    I began this course on: (date) \_\_\_\_\_

(please complete course within 6 months of starting)

### Course Content:

- Supplement and Final Exam Answer Grid (10 pages—**you must print these 10 pages from your printer**)
- “Answers” to the Supplement (2 pages—printing *optional*)
- Final Examination (8 pages—printing *optional*)
- Study Manual (28 pages—printing *optional*)

### INSTRUCTIONS

1. You **must** print the Supplement and Final Exam Answer Grid from your computer printer. (10 pages total)
2. Read Chapter #1 of the Course Study Manual.
3. Answer the Chapter #1 Questions contained in the Supplement. Your handwriting must be legible. (Check your “Answers” to the Supplement —see **Course Contents**, above.)
4. Locate the Final Examination. Answer the Final Exam questions (usually 10 questions for each chapter of the Study Manual). This is an open-book final exam. Explore the Study Manual to discover the answers to the Final Examination. Place your answers on the Final Exam Answer Grid.
5. Repeat steps 2-4 for each Chapter of the Study Manual
6. Mail the Supplement and Final Exam Answer Grid (10 pages total) plus Course Fee of \$39 to: IA Real Estate Seminars, Box 1523, Waterloo Iowa 50704 Taking several courses? Mail all course Supplements together for grading.

### Chapter 1

1. What benefits might you have by completing this program? (circle your answer below)
  - A. You may become more professional when explaining difficult title problems.
  - B. You may not be tempted to engage in the unauthorized practice of law.
  - C. You will become more proficient when time is of the essence.
  - D. All of the above are possible benefits for completing this program.
2. What do you call, “the acquiring of title to real property owned by someone else by means of open, notorious, hostile and continuous possession for the time required by state law.?”

Write your answer here: \_\_\_\_\_

3. Which is true of Squatter’s rights? (circle your answer below)
  - A. It is a possession which is commenced in wrong and is maintained in right.
  - B. It is a possession which is commenced in wrong and is maintained in wrong.
  - C. It is a possession which is commenced in right and maintained in wrong.
  - D. It is a possession which is commence in right and maintained in right.

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4. Adverse possession is a creation of legislation and an application of the statute of limitation.  
True or False (circle your answer)

Your answers must be original ink  
and/or pencil:  
no photocopies permitted

5. The theory behind the statute of limitations is that there must be some end to the possibility of: \_\_\_\_\_ . (write your answer in the blank)

6. Adverse possession may be used to establish ownership when public records are: (circle your answer below)

- A. Destroyed by calamity.
- B. Destroyed by flood.
- C. Destroyed by war.
- D. Destroyed by *All of the Above*.

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7. The purpose of adverse possession is to: (circle your answer below)

- A. Protect those who have maintained the possession of the land for the statutory period of time.
- B. Punish the the real owner who may be negligent in protecting his property from outsiders.
- C. Both of the above.
- D. None of the above.

8. Fill in the blanks below for two (2) ways to describe the required elements for squatter's rights. (fill in the blanks below)

P— _____	C—possession is _____
O— _____ possession	A—possession is _____
A— _____ possession	N—possession is _____
C— _____ possession	O—possession is _____
H— _____ possession	E—possession is _____

9. What if there are conflicts whether the squatter has met the time period required by adverse possession. Who decides then? (circle your answer below)

- A. The judge. B. The Realtor Professional Standards Committee. C. A jury. D. The bailiff.

10. The squatter takes possession of the disputed property with the permission of the owner. When does this squatter's time period begin to run?

Write your answer here: \_\_\_\_\_

## Chapter Two (2)

1. Fill in the blanks in the following paragraph:

It is well established that \_\_\_\_\_ possession is \_\_\_\_\_ a sufficient basis for title by adverse possession. Possession is an \_\_\_\_\_ fact but will \_\_\_\_\_, by itself, \_\_\_\_\_ into title. The possession must have certain \_\_\_\_\_.

2. In determining adverse possession, possession means complete dominion over the property which excludes all others. True or False (circle your answer)

3. Which of the following is (are) true of possession? (circle your answer below)
- A. It is exercising acts of dominion over the property, making the ordinary use of it, and taking the ordinary profits it is capable of producing in its present state. *Stark vs. Akard (Ohio)*
  - B. There may be actual possession of land without cultivation, residence, enclosure, buildings or other improvements, unless they are required by statute.
  - C. Possession does not necessarily require the claimant to live upon the land or to enclose it with fences, or to stand guard at all times upon its borders to oppose the entry of trespassers or hostile claimants. *Clear Lake Amusement Corp. vs. Lewis (Iowa)*
  - D. All of the above are true of possession.

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4. The squatter/possessor/adverse claimant must personally possess the property or it may be done by others who have an association with him. List below some examples of those, who through possession, may be completed: *Write your answers here:*
- 
- 

5. Is "color of title" the same thing as "claim of title?" (circle your answer below)

A. Yes    B. No    C. Maybe    D. Probably

6. A person claiming title by adverse possession who possesses color of title means this person has some document or paper which has passed title to him but that paper or document is in some way defective.  
True or False (circle your answer)

7. Any instrument having a grantor and grantee, and containing a description of the lands intended to be conveyed, and apt words for their conveyance, gives color of title to the lands described. Such an instrument purports to be a conveyance of the title, and because it does not, for some reason, have that effect, it passes only color or the semblance of a title. True or False (circle your answer)

8. Fill in the blanks in the paragraph below.

"For example, the seller conveys a ten-acre farm to the buyer by deed. The buyer enters into possession unaware that the seller held title under a \_\_\_\_\_ deed. Thus, the buyer does \_\_\_\_\_ have valid title to the property. By occupying the premises for a prescribed period of time, the buyer can acquire legal title to the \_\_\_\_\_ ten-acre parcel by means of adverse possession under \_\_\_\_\_ of \_\_\_\_\_, even though he physically occupied only a \_\_\_\_\_ of the ten acres, because the adverse claimant under \_\_\_\_\_ of \_\_\_\_\_ need only possess a \_\_\_\_\_ of the premises described in the ineffective conveyance to acquire title to the whole parcel. If there were \_\_\_\_\_ deed involved, and the buyer adversely occupied just part of the ten acres, after the prescribed period he would acquire title \_\_\_\_\_ to the acreage he actually \_\_\_\_\_ (or fenced or cultivated). In addition, a claimant \_\_\_\_\_ under color of title has a stronger \_\_\_\_\_ of proof on each of the required elements for adverse possession."

9. In some states, a possessor of property under color of title must be in good faith in order to acquire title by adverse possession. What does that mean?

*Write your answer here:*

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10. What is the basic difference between “color of title” and “claim of title”?

*Write your answer here:*

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11. Which of the following are examples of documents which may give “color of title?” (circle your answer below)

- A. Forged deeds.
- B. Invalid tax certificates/deeds.
- C. Fraudulently altered documents.
- D. All of the above are examples of documents which may give “color of title.”

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12. “Claim of title” does not require the squatter’s interest to be derived from a document.  
True or False (circle your answer)

### Chapter Three (3)

1. Your study manual lists approximately nine (9) acts of ownership which squatters have shown. List four (4) of those acts of ownership below.

*Write your answer here:*

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2. Can a temporary use of the property by the squatter ripen into fee simple title? (circle your answer below)

- A. Generally not.    B. Certainly.    C. Absolutely    D. Naturally.

3. Occasional acts of trespass by wheels of cars and trucks ordinarily adjacent to a driveway are not sufficient to support a claim of adverse possession. True or False (circle your answer)

4. What must the squatter prove during times the squatter is not physically on the property?

*Write your answer here:*

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5. Strong evidence of possession by the squatter is if the squatter fenced the portion of land under the claim. True or False (circle your answer)

6. When would fencing the land possessed by the squatter be inappropriate?

*Write your answer here:*

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7. A person, not the real owner, occupies the property, pays the property taxes and makes improvements to the property. Are these activities sufficient in themselves to ripen into clear title?

*Write your answer here:*

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8. Must the original entry by the squatter be hostile? Yes or No (circle your answer)

9. Fill in the blanks in the following statement.

Where one enters upon land in recognition of the title of another, in order for the former to prevail under the statute of limitations three things must be established: 1. there must be a \_\_\_\_\_ of the relationship thus established and claim of title \_\_\_\_\_ to that of the latter; 2. this repudiation and adverse claim must be \_\_\_\_\_ brought home to the latter, since the limitation will only begin to run from that date; 3. there must be adverse possession for the statutory \_\_\_\_\_ after notice of repudiation and adverse claim has been brought home to the latter. Killough vs. Hinds 338 SW 2d 707

10. Does hostility of possession imply ill will? (circle your answer below)

- A. Yes; there must be ill will between the squatter and the real owner.
- B. Yes; like all hockey matches, there must be a physical attacking of the squatter of the real owner.
- C. No; hostility is simply a denial of the real owner's title.
- D. No; hostility is immaterial in determining claims of adverse possession.

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11. A farmer testified that he never claimed or made a claim to the ownership of the disputed land, but temporarily farmed it because no one else was using it. Is this sufficient to make a successful claim of adverse possession? Yes or No (circle your answer)

12. Fill in the blanks in the following statement.

"One having an easement over the land of another cannot change the character of his right to an adverse holding of the land itself \_\_\_\_\_ he either gives the true owner actual notice, or his acts and declarations of a hostile claim are so open and notorious as to leave no \_\_\_\_\_ in the mind of the true owner; and the facts that one having an easement of way (right of way easement) enclosed it, occasionally locked the gate, and would not permit others to use it, and often allowed his stock to pasture on the way, are \_\_\_\_\_ sufficient to apprise the owner of the land that the owner of the easement is asserting a \_\_\_\_\_ title to the land itself." O'Banion vs. Cunningham 182SW 185

13. Fill in the blanks in the following statement.

"It is generally said that there are two rules governing the question of possession under mistake as to the \_\_\_\_\_, which rules are stated in many cases substantially as follows: When a landowner, acting under a \_\_\_\_\_ as to the true boundary between his land and that of another, takes possession of land of such other, believing it to be his \_\_\_\_\_, \_\_\_\_\_ it, \_\_\_\_\_ title to it, and holds \_\_\_\_\_ for the statutory period, he becomes the owner, for such possession and claim of title, though founded on a \_\_\_\_\_, are adverse; but this would \_\_\_\_\_ be so if his intention was to claim only to the true line wherever that might be, for then the possession would not be adverse beyond such line." 3 AmJur 2d 124

14. Which of the following is important in making a determination of squatter's rights and fence lines? (circle your answer below)

A. Anticipation. B. Surplus productivity. C. Intention. D. Plottage/assemblage.

15. Fill in the blanks in the following statement.

"The real test as to whether or not the possession of real estate by mistake beyond the true boundary line will be held adverse is the \_\_\_\_\_ with which the party takes and holds possession; it is not merely the existence of a mistake but the presence or absence of the requisite \_\_\_\_\_ to claim title that fixes the character of the entry and determines whether the possession is adverse." Ft. Wayne Smelting & Ref. Works vs. Ft. Wayne 14 NE 2d 556

## Chapter Four (4)

1. A building is leaning over the property line. May the owner of this building gain title to the property overshadowed by the leaning building?  
A. Yes, but only the air space.  
B. Yes. To acquire title by adverse possession by this means to a strip of adjoining property, the building or other structure must be of a substantial and permanent nature, sufficient to call the attention of the owner of record to the fact that an encroachment upon this property is taking place.  
C. No. These are normally tourist traps; tourist traps, like the Leaning Tower of Pisa, can have no squatter's rights because of the inherent liability to persons under the leaning part.  
D. No. Squatter's rights can only accrue when the building is in a perfectly perpendicular position.
2. The words "open and notorious possession" mean that the squatter's claim of ownership must be shown by acts and conduct which are sufficient to put a person of ordinary prudence on notice of the fact that the land in question is held by the squatter as his own. True or False (circle your answer)
3. What metaphor could be used to illustrate "open and notorious.?"  
*Write your answer here:*

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4. What is it called when one squatter combines his possession with that of another squatter?

Write your answer here: \_\_\_\_\_

5. What word describes the mutual or successive relationship to the same rights of property?

A. Riparian B. Prescription C. Privity D. Appropriation.

6. Which of the following do not fit?

A. Executor with the testator. B. Donor with the lessor. C. Heir with the ancestor.

D. Remainderman with the life tenant.

7. Fill in the blanks in the following statement.

"The requirement of \_\_\_\_\_ is based on the theory that the several occupancies must be so \_\_\_\_\_ that each occupant can go back to the original entry or holding as a source of title; the successive occupants must claim through and under their predecessors and not independently to make a \_\_\_\_\_ holding united into one ground of action." Sorensen vs. Costa 196 P 2d 900

8. Privity may be created by: (circle your answer below)

A. Deed B. Operation of the law C. Judicial sale D. All of these may create privity.

9. What happens if the squatter is interrupted in his holding of the property? (circle your answer below)

A. Nothing. B. The squatter's possession is broken by any substantial interruption of the possession.

10. Which of the following are "brief absences" which do not break the squatter's possession of the claimed property? (circle your answer below)

A. Temporary absence from the land without an intention to abandon possession.

B. Brief vacancies varying in duration from a few days to some months or a year.

C. A break of two (2) or three (3) years in a chain of possession for 30 years.

D. All of the above.

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11. A squatter possessed an island used as a summer home but did not occupy it during the winter months but left it in the autumn ready for use the following spring. Was this an interruption in the possession sufficient to cancel his claim of adverse possession? Yes or No (circle your answer)

12. Is it required that the squatter not leave the state during his possession of the disputed property? (circle your answer below)

A. Maybe B. Yes C. No

13. The squatter removes fences during the winter to protect the fences from ice and water. They are replaced when weather permits. Did the removal of the fences under these circumstances break the squatter's possession of the property? Yes or No (circle your answer)

14. What is an example when the squatter's time period was interrupted regarding the condition of the fences?

Write your answer here: \_\_\_\_\_

15. The squatter is holding possession adverse to the owner; the owner now dies. Is the squatter still holding possession adversely? (circle your answer below)
- A. No; the real owner died; this halts adverse possession of any kind.
  - B. No; since the owner died all claimants must leave the property.
  - C. Yes; the squatter is holding adversely to the estate and the heirs.
  - D. Yes; the squatter is holding adversely to the probate court and probate judge.

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## Chapter Five (5)

1. In the Chapter Five (5) case study, who are the squatters? Who are the real owners?

*Write your answer here:* \_\_\_\_\_

2. Circle "yes" or "no" after each of the following questions regarding the Chapter Five (5) study of squatter's rights.

According to the Colorado Supreme Court:

- The Mongers possession of the disputed property was joint with the true owners.  
Yes or No
- The Mongers' use of the property was permissive rather than adverse.  
Yes or No
- Raftopoulos' entry into the disputed tract was part of their usual customary ranch operation.  
Yes or No
- The Raftopouloses had not been excluded from the disputed property.  
Yes or No
- In case of a mixed or common possession of land by both parties to a suit, the court adjudges the rightful possession to him who holds legal title.
- Yes or No

## Chapter Six (6)

1. The real owner is bringing legal proceedings against the squatter. The squatter must prove his legal claim on the property or move off from the property. What kind of court action is this called?

*Write your answer here:* \_\_\_\_\_

2. Lawyers use Quiet Title Actions for many reasons. Your study manual lists more than a dozen reasons for such legal proceedings. List five reasons for a Quiet Title Action below.

*Write your answer here:* \_\_\_\_\_

3. Your neighbor is cutting across the corner of your lot to get to the road. He does this without your permission. This action continues for the statutory period of time. Which is true? (circle your answer below)
- A. The neighbor is trying to obtain an easement by prescription.
  - B. The neighbor is trying for a government "takings."
  - C. The neighbor is trying to get squatter's rights to the corner of your property.
  - D. The neighbor is trying to you sell your property.

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Course Evaluation: please enter a check mark ( ✓ ) behind each rating:	Very Good	Good	Average	Poor
The overall rating of this course was:				
The course format was easy to follow:				
The course was comprehensive:				
The course will be helpful to me as a licensee:				
The degree the advertised course objectives were met:				

# *Answer Sheet*—Final Exam

## *SQUATTERS!*

### Instructions:

- #1 Locate the Final Examination. It is just before the Study Manual.
- #2 Answer the questions to the final examination. Read the Study Manual to help you answer the Final Examination questions.
- #3 Mark your answers to the Final Examination on the Answer Grid below.

You must score 48 questions correct (80%) to pass.

Some questions may have less than four possible answers.

The Final Exam questions may have changed since the last printing of this course.

Some questions may have less than four possible answers.

	A	B	C	D		A	B	C	D		A	B	C	D		A	B	C	D
1.	0	0	0	0	16.	0	0	0	0	31.	0	0	0	0	46.	0	0	0	0
2.	0	0	0	0	17.	0	0	0	0	32.	0	0	0	0	47.	0	0	0	0
3.	0	0	0	0	18.	0	0	0	0	33.	0	0	0	0	48.	0	0	0	0
4.	0	0	0	0	19.	0	0	0	0	34.	0	0	0	0	49.	0	0	0	0
5.	0	0	0	0	20.	0	0	0	0	35.	0	0	0	0	50.	0	0	0	0
6.	0	0	0	0	21.	0	0	0	0	36.	0	0	0	0	51.	0	0	0	0
7.	0	0	0	0	22.	0	0	0	0	37.	0	0	0	0	52.	0	0	0	0
8.	0	0	0	0	23.	0	0	0	0	38.	0	0	0	0	53.	0	0	0	0
9.	0	0	0	0	24.	0	0	0	0	39.	0	0	0	0	54.	0	0	0	0
10.	0	0	0	0	25.	0	0	0	0	40.	0	0	0	0	55.	0	0	0	0
11.	0	0	0	0	26.	0	0	0	0	41.	0	0	0	0	56.	0	0	0	0
12.	0	0	0	0	27.	0	0	0	0	42.	0	0	0	0	57.	0	0	0	0
13.	0	0	0	0	28.	0	0	0	0	43.	0	0	0	0	58.	0	0	0	0
14.	0	0	0	0	29.	0	0	0	0	44.	0	0	0	0	59.	0	0	0	0
15.	0	0	0	0	30.	0	0	0	0	45.	0	0	0	0	60.	0	0	0	0

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**Acknowledgment:** I have completed this course and final examination by myself and am solely responsible for all answers found on this Supplement and Final Exam answer grid. If I received help completing this course, I participated in every detail of its completion.

\_\_\_\_\_  
(Signature and phone number)

Return this Supplement and Final Exam answer grid plus Course Fee of \$39 to:

Iowa Real Estate Seminars  
Box 1523, Waterloo, Iowa 50704

Your answers must be original ink  
and/or pencil:  
no photocopies permitted

**Are you completing more than one course?** Help us by returning all completed courses together for grading and continuing education certificates. Certificates will be sent to you by First Class Mail. Thank You!

## *SQUATTERS!* Answers to the Supplement

### Chapter One (1)

1. D. 2. Adverse possession 3. A. 4. True 5. litigation.

6. D. 7. A. 8. Possession; open; actual; continuous; hostile;

Continuous; actual; notorious; open; exclusive. 9. C. 10. When the possession becomes hostile.

Some students print this page to help check their answers to the Supplement

### Chapter Two (2)

1. It is well established that mere possession is not a sufficient basis for title by adverse possession. Possession is an introductory fact but will never, by itself, ripen into title. The possession must have certain characteristics.

2. True 3. D. 4. an agent; a licensee; a relative; a tenant. 5. B. 6. True 7. True.

8. "For example, the seller conveys a ten-acre farm to the buyer by deed. The buyer enters into possession unaware that the seller held title under a forged deed. Thus, the buyer does not have valid title to the property. By occupying the premises for a prescribed period of time, the buyer can acquire legal title to the entire ten-acre parcel by means of adverse possession under color of title, even though he physically occupied only part of the ten acres, because the adverse claimant under color of title need only possess a portion of the premises described in the ineffective conveyance to acquire title to the whole parcel. If there were no deed involved, and the buyer adversely occupied just part of the ten acres, after the prescribed period he would acquire title only to the acreage he actually occupied (or fenced or cultivated). In addition, a claimant not under color of title has a stronger burden of proof on each of the required elements for adverse possession."

9. The possessor must believe the deed is really valid even though it is actually defective

10. To constitute color of title there must be a paper title to give color to the adverse possession, whereas a "claim of title" may be verbal or oral.

11. D. 12. True.

### Chapter Three (3)

1. Pick four of the following: receiving rents from the property; conveying and leasing the property; improving the property; encumbering the property with a mortgage; fishing and keeping up fish traps; erecting and repairing dams; paying for insurance; subdividing the land into lots; persistent and continuous cutting from a particular tract of land, to the exclusion of the owners, as to advertise to the world that the party so doing is occupying that specific tract and claiming it as his own.

2. A. 3. True.

4. the squatter must prove that the land was not occupied by anyone else during the part of each year when it was not in use by them.

5. True. 6. Fencing would be inappropriate if it would destroy the highest and best use of the land.

7. no; the possession must be hostile to the real owner

8. No.

9. Where one enters upon land in recognition of the title of another, in order for the former to prevail under the statute of limitations three things must be established: 1. there must be a repudiation of the relationship thus established and claim of title adversely to that of the latter; 2. this repudiation and adverse claim must be clearly brought home to the latter, since the limitation will only begin to run from that date; 3. there must be adverse possession for the statutory period after notice of repudiation and adverse claim has been brought home to the latter. Killough vs. Hinds 338 SW 2d 707

10. C. 11. No.

12. "One having an easement over the land of another cannot change the character of his right to an adverse

holding of the land itself unless he either gives the true owner actual notice, or his acts and declarations of a hostile claim are so open and notorious as to leave no doubt in the mind of the true owner; and the facts that one having an easement of way (right of way easement) enclosed it, occasionally locked the gate, and would not permit others to use it, and often allowed his stock to pasture on the way, are not sufficient to apprise the owner of the land that the owner of the easement is asserting a hostile title to the land itself. "O'Banion vs. Cunningham 182SW 185

13. "It is generally said that there are two rules governing the question of possession under mistake as to the boundary, which rules are stated in many cases substantially as follows: When a landowner, acting under a mistake as to the true boundary between his land and that of another, takes possession of land of such other, believing it to be his own, encloses it, claims title to it, and holds possession for the statutory period, he becomes the owner, for such possession and claim of title, though founded on a mistake, are adverse; but this would not be so if his intention was to claim only to the true line wherever that might be, for then the possession would not be adverse beyond such line." 3 AmJur 2d 124
14. C.
15. "The real test as to whether or not the possession of real estate by mistake beyond the true boundary line will be held adverse is the intention with which the party takes and holds possession; it is not merely the existence of a mistake but the presence or absence of the requisite intention to claim title that fixes the character of the entry and determines whether the possession is adverse." Ft. Wayne Smelting & Ref. Works vs. Ft. Wayne" 14 NE 2d 556

#### Chapter Four (4)

1. B. 2. True 3. The squatter raises his flag and keeps it up continuously for the required period.
4. Tacking 5. C. 6. B.
7. "The requirement of privity is based on the theory that the several occupancies must be so connected that each occupant can go back to the original entry or holding as a source of title; the successive occupants must claim through and under their predecessors and not independently to make a continuous holding united into one ground of action." Sorensen vs. Costa 196 P 2d 900
8. D. 9. B. 10. D. 11. No. 12. A. 13. No. 14. The fences had been allowed to decay and the property had been abandoned for 2 or 3 years.
15. C.

Some students print this page to help check their answers to the Supplement

#### Chapter Five (5)

1. Mongers are the squatters; Raftopouloses are the real owners.
2. Yes; Yes; Yes; Yes; Yes;

#### Chapter Six(6)

1. Quiet Title Action
2. Pick four (4) of the following: Adverse possession, church property conveyed for religious purposes, city deeds, contingent remainders, contract of sale, removal of school fund mortgage, executory interest, federal estate tax liens, improperly acknowledged deeds, inchoate dower interest, barring junior liens, partnership property, jurisdiction of probate court, imperfection in probate proceedings, reversionary interest, surviving spouse death before electing to take under will, surviving spouse interest in real estate, tax deeds and uncanceled tax sale certificates.
3. A.

## SQUATTERS! Final Exam

1. What do you call the acquiring of title to real property owned by someone else by means of open, notorious, hostile and continuous possession for the time required by state law?  
A. Prescription    B. A "takings."    C. Adverse possession.    D. Anticipation.
2. A squatter takes possession which is commenced in the wrong but maintained in the right.  
A. True.    B. False.
3. What benefit(s) might you have by completing this course?  
A. You may not be tempted to engage in the unauthorized practice of law.  
B. You will be able to become a court witness and even represent squatters in their crusade to own certain property.  
C. You will be able to render legal opinions to difficult title questions.  
D. You will be able to make deeds and affidavits for those claiming squatter's rights.
4. Which is(are) true of adverse possession?  
A. It is a creation of legislation.  
B. It is an application of the statute of limitation.  
C. It is the most devious method of taking title and not sanctioned by state law.  
D. Both A + B are correct.
5. The theory behind the statute of limitations is that:  
A. There must be some end to the possibility of litigation.  
B. Perpetuities safeguard the public.  
C. Perpetuities safeguard municipalities only.  
D. There must be more litigation for our economic well being.
6. Flooding has destroyed public records. Which of the following might be used to establish ownership?  
A. Adverse possession.    B. Eminent domain.    C. Voluntary alienations.
7. The purpose of adverse possession is to:  
A. Give squatters unearned windfall profits.  
B. Punish the real owner of the property who may be negligent in protecting her property from outsiders.  
C. Give an economic boost to persons owning companies installing fencing.  
D. Protect those who have maintained the possession of the land for the statutory period of time.

8. Adverse possession has never been used to establish property ownership when records were destroyed by war. True. B. False.
9. You can remember the requirements for adverse possession by remembering the word: POACH. What does letter "C" represent in the word "poach?" A. Curative. B. Contrite. C. Continuous. D. Constant.
10. You can remember the requirement for adverse possession by remembering the word: CANOE. What does letter "E" represent in the word "canoe?" A. Eradicate. B. Exclusive. C. Ego. D. Eminent.
11. There are conflicts in the squatter's court action to quiet title into the squatter's name. One conflict is whether the squatter met the required time period of possession. Who will decide this issue?  
A. The judge. B. The jury. C. The mediator. D. The Board of Realtors Grievance Committee.
12. The squatter takes possession of the disputed property with the permission of the owner. When does this squatter's time period begin to run?  
A. Immediately B. One day after taking possession. C. In two (2) years. D. When possession turns hostile.

## Chapter 2

13. It is well established that mere possession is not a sufficient basis for title by adverse possession.  
A. True B. False
14. Possession is an introductory fact but will never, by itself, ripen into title. The possession must have certain characteristics. A. True B. False
15. In determining adverse possession, possession means complete dominion over the property which:  
A. Permits others to use the property also. B. Excludes all others. C. Allows the owner's relatives freedom to plant crops but on no more than 51% of the land. D. Includes all others.
16. Adverse possession is exercising acts of dominion over the property, making the ordinary use of it, and taking the ordinary profits it is capable of producing in its present state. A. Never true. B. Always false. C. True.
17. The squatter may be in actual possession of the land without cultivation, resi-

dence, enclosure, buildings or other improvement, unless:

- A. The real owner has done these things. B. Required by statute (state law). C. The owner and squatter have agreed to these uses. D. None of the above.

18. Adverse possession requires the squatter to live upon the land or to enclose it with fences and to stand guard at all times upon its borders to oppose the entry of trespassers or hostile claimants.

- A. Always. B. Absolutely. C. Naturally. D. Not necessarily.

19. The squatter may possess the property through others who have an association with him. These include:

- A. An agent, a licensee, a relative, a tenant.  
B. The real owner, an agent, a licensee of the squatter, a relative.

20. A squatter having color of title means the squatter possesses:

- A. A valid deed. B. A deed with no forgeries. C. A fully sufficient deed. D. A defective deed.

21. A squatter has color of title. Her deed must have:

- A. Proper recording at the court house. B. Proper acknowledgement C. Proper type size. D. A description of the lands intended to be conveyed.

22. A squatter has color of title. Her deed must have:

- A. Proper recording at the court house. B. Proper acknowledgement. C. Apt words for the conveyance. D. The "have and to hold" clause (a.k.a., habendum clause).

23. Is "color of title" the same thing as "claim of title?" A. No. B. Yes.

24. The disputed property contains 10 acres. The squatter is holding the property under "color of title." He does not possess the entire 10 acres. If he is successful, the court will give him:

- A. The entire 10 acres. B. Only the amount of land he actually occupied.

25. The disputed property contains 10 acres. The squatter is holding the property under "claim of title." He does not possess the entire 10 acres. If he is successful, the court will give him:

- A. The entire 10 acres.  
B. More than the 10 acres since he was doing such a good job maintaining the property.  
C. Only the amount of land he actually occupied.

26. Which squatter described below will have a more difficult time proving the required elements of adverse possession?
- A. A squatter with “color of title.”
  - B. A squatter with “cessation of title.”
  - C. A squatter with “claim of title.”
  - D. None of the above; all squatters have an equally difficult time proving the required elements of adverse possession. To make it easier for one squatter over another would be wrongful discrimination.
27. In some states, a possessor of property under color of title must be in “good faith” in order to acquire title by adverse possession. What does that mean?
- A. The squatter must be confirmed either Catholic or Protestant by age 13.
  - B. The squatter knew he was getting a defective deed.
  - C. The squatter did not know he was getting a defective deed.
  - D. Good faith and color of title are repugnant.
28. One basic difference between “color of title” and “claim of title” is:
- A. “Claim of title” has a paper title; “color of title” may be verbal.
  - B. “Color of title” has a paper title; “claim of title” may be verbal.
29. Which of the following are examples of documents which may give “color of title?”
- A. Forged deeds.
  - B. Invalid tax certificates/deeds.
  - C. Fraudulently altered documents.
  - D. All of the above.
30. Which means the same thing as “color of title?” A. Patent. B. Restoration C. The “semblance of title.” D. Party wall.

### Chapter 3

31. The squatter is evidencing acts of ownership. Which of the following are usually believed to be acts of ownership?
- A. Leasing the property and receiving rents from the property.
  - B. Fishing, maintaining fish traps and purchasing insurance for the property.
  - C. Both “A” and “B” above.
  - D. None of the above.
32. Can a temporary use of the property by the squatter ripen into fee simple title?
- A. Certainly. B. Generally not. C. Absolutely. D. Always.

33. Your neighbor's tires (car tires, truck tires, tractor tires, RV tires, etc.) trespass onto property on your side of the driveway. This only happens occasionally. Is this trespass sufficient to support a claim of adverse possession? A. Always. B. Yes, normally. C. No. D. Probably.
34. The squatter has dominion over the property but leaves on occasion. During these brief absences, what must the squatter prove?
- A. He must prove this property has not been occupied by any one else.
  - B. He must prove nothing.
  - C. He must prove that he has started a quiet title action.
  - D. He must prove that he has mowed the grass on the property.
35. What is strong evidence of possession? A. Erecting a mailbox on the property. B. Erecting a state or national flag (removing the flag during darkness). C. Erecting a fence around the subject property. D. Receiving Social Security benefits at that specific location.
36. When would fencing the land possessed by the squatter be inappropriate?
- A. When purchasing fencing would exceed cost of contribution to the property.
  - B. When purchasing fencing would increase the value of the property.
  - C. When fencing the property would destroy its highest and best use.
  - D. Never.
37. A person, not the real owner, occupies the property, pays the property taxes and makes improvements to the property. Are these activities sufficient in themselves to ripen into clear title?
- A. Yes; all the necessities of adverse possession have been met.
  - B. No; the person lacks the element of hostility.
38. A person entered the owner's property with consent and under a lease. Can the tenant now begin to hold the property adversely and gain squatter's rights? A. No; the original entry must be hostile. B. Yes.
39. According to Killough vs. Hinds:
- A. There must be a repudiation of the relationship and claim of title adversely to the record owner.
  - B. There must be a clear claim on the property adverse to the record owner.
  - C. There must be adverse possession for the time required by law from the date of repudiation of relationship.
  - D. All of the above are true according to Killough vs. Hinds.

40. Does hostility of possession imply ill will?
- A. Yes; there must be ill will between the squatter and the real owner.
  - B. Yes; there must be examples of physical abuse and mayhem by the squatter upon the real owner.
  - C. No; hostility is immaterial in determining claims of adverse possession.
  - D. No; hostility is simply a denial of the real owner's title.
41. A farmer testified that he never claimed or made a claim to the ownership of the disputed land, but temporarily farmed it because no one else was using it. Is this sufficient to make a successful claim of adverse possession?
- A. Yes because it was agriculture and farmers cannot be forced into involuntary Chapter 7 Bankruptcy.
  - B. Yes because it was agriculture and the property was not being used by anyone else.
  - C. Yes because he temporarily used it.
  - D. No because his use was an insufficient claim of ownership.
42. One having an easement over the land of another cannot change the character of his right to an adverse holding of the land itself unless he either gives the true owner actual notice, or his acts and declarations of a hostile claim are so open and notorious as to leave no doubt in the mind of the true owner. A. True B. False
43. A person has an easement over the land of another. He encloses the easement. He occasionally locked the gate on the enclosure. He often allows his livestock to pasture on the land located within the enclosure. Is this sufficient to gain fee simple title to the land over which he has an easement?
- A. Yes because he enclosed it.
  - B. Yes because he occasionally locked the gate and would not let others use the land.
  - C. Yes because his livestock grazed this land.
  - D. No. These activities do not necessarily place the real owner on notice of his hostile claim.
44. Which of the following is important in making a determination of squatter's rights and fence lines? A. Regression. B. economic size. C. Intention. D. Plottage/assemblage.
45. Fill in the blank: "The real test as to whether or not the possession of real estate by mistake beyond the true boundary line will be held adverse is the \_\_\_\_ with which the party takes and holds possession."
- A. Aspiration. B. Interpretation C. Intention. D. Tenacity.
46. A building is leaning over the property line. What principles apply should the owner of the building try to gain title to the land overshadowed by the building?
- A. The building must be of a substantial and permanent nature.
  - B. The leaning building should be sufficient to call attention of the owner of record to the fact

that an encroachment upon this property is taking place.

C. Both "A" and "B".

47. The words "open and notorious" mean that the squatter's claim of ownership must be shown by acts and conduct which are sufficient to put certain persons on notice. Who are those certain persons?

A. The criminally insane. B. Emancipated minors. C. Persons of ordinary prudence.

48. Which squatter, described below, is probably holding the property in an "open and notorious" way?

A. The squatter sneaks around the property after normal day-light hours.

B. The squatter is hiding on the property.

C. The squatter raises his flag and keeps it up for the required time period.

D. The squatter wears a costume making his appearance similar to that of the owner.

49. What is it called when one squatter combines his possession with that of another squatter?

A. Tacking. B. Winching. C. Tackling. D. "Double-dipping."

50. What word describes the mutual or successive relationship to the same rights of property?

A. Tacking.

B. Privity.

C. There is no one word to describe this but the phrase would be: "extreme extrapolation comfort."

D. None of the previous.

51. Which of the following do not fit?

A. Executor with the testator. B. Heir with the ancestor. C. Uncle and nephew. D. Donor with the lessor.

52. The requirement of privity is based on the theory that the several occupancies must be so connected that each occupant can go back to the original entry or holding as a source of title.

A. True. B. False.

53. Privity may be created by:

A. Evictions, forfeitures and short sales.

B. Deeds, operations of the law and judicial sales.

54. Which of the following are “brief absences” which do not break the squatter’s possession of the claimed property?

- A. Temporary absence from the land without an intention to abandon possession.
- B. Brief vacancies varying in duration from a few days.
- C. A break of two (2) or three (3) years in a chain of possession for 30 years.
- D. All of the above.

55. A squatter possessed an island used as a summer home but did not occupy it during the winter months but left it in the autumn ready for use the following spring. Was this an interruption in the possession sufficient to cancel his claim of adverse possession.

- A. Yes. B. No.

56. What type of action in court requires the squatter to prove his claim?

- A. F. E. & D. B. Replevin. C. Quiet Title Action.

57. For which reasons listed below might you use a quiet title action?

- A. Proving reversionary interest.
- B. Barring junior liens.
- C. Perfecting improperly acknowledged deeds.
- D. You would use a quiet title actions for all of the previous reasons.

58. Your neighbor is cutting across the corner of your lot to get to the road. He does this without your permission. This action continues for the statutory period of time. Which is true? (circle your answer below)

- A. The neighbor is trying to obtain an easement by prescription.
- B. The neighbor is trying for a government “takings.”
- C. The neighbor is trying to get squatter’s rights to the corner of your property.
- D. The neighbor is trying to convince you to sell your property.

59. This course may be used as a substitute for competent legal advice?

- A. True B. False

60. Is it easy to establish claims to property through adverse possession?

- A. Yes.
- B. No; adverse possession presents some of the most doubtful questions known to the law.

When complete, copy your answers from this final exam to the last page of the Supplement; return only the Supplement