



DUKE W. DUNBAR
ATTORNEY GENERAL

The State of Colorado

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

HIGHWAY DIVISION

4201 EAST ARKANSAS AVENUE

DENVER, COLORADO 80222

757-9317

JOSEPH M. MONTANO
CHIEF HIGHWAY COUNSEL

RICHARD W. PHILLIPS
DEPUTY CHIEF HIGHWAY COUNSEL

LEONARD RIPPS
ROBERT P. GRUETER
GEORGE D. DIKEOU
ASSISTANT ATTORNEYS GENERAL

IN REPLY REFER TO A.G. NO.

LEGAL OPINION

Title by Adverse Possession

It is the opinion of the Office of the Attorney General, State of Colorado, that, under Colorado law, the following requirements must be met by an individual or corporation claiming title to or an interest in real property by adverse possession.

1. The person or corporation claiming title by adverse possession must have been in continuous, open, notorious and hostile possession of the property for a period of 18 years or more.
2. The possession by such person or corporation must be under a claim of absolute right to such possession.

Execution of the attached Affidavit, D.O.H. form 308, indicates that these requirements have been met.

DUKE W. DUNBAR
Attorney General

JOSEPH M. MONTANO
Chief Highway Counsel


GEORGE D. DIKEOU
Assistant Attorney General

3. That said Corporation has located on such easement its _____

(Description of easement, e.g., ditch, power line, etc.)

4. That said Corporation, or its legal predecessor or predecessors, has/have been in continuous, open, notorious and hostile possession of said easement for a period of 18 years or more, commencing on the _____ day of _____, _____.

5. That said Corporation, or its legal predecessor or predecessors, has/have had possession of said easement for at least 18 years under a claim of absolute right to such possession.

6. That upon relocation or removal of the above-cited facilities, when duly authorized and justly compensated therefor by the Colorado Department of Transportation, the _____

(Name of Corporation)

cedes and abandons all rights, interest and title to such claim of easement.

ATTEST: _____
(Corporate Name)

Secretary of Corporation: _____ By: _____
(Name of person signing affidavit)

(SEAL) Title: _____
(Office held in Corporation)

STATE OF COLORADO)
)ss
COUNTY OF _____)

This Affidavit was signed and acknowledged before me this _____ day of _____

_____, 20____ By: _____
(Name of person signing)

_____ of _____
(Office held) (Name of Corporation)

Witness my hand and official seal, this _____ day of _____, 20____.

MY COMMISSION EXPIRES

(SEAL) _____
NOTARY PUBLIC, STATE OF COLORADO