

LEGALLY CLAIM FREE LAND AND PROPERTY

Hi, Thanks for purchasing this information and I wish you the best of luck.

I can personally guarantee if you follow the instructions that you too will be able to claim free land and property in the UK!

Good Luck!!!!

Kinkyafro007 (EDDY)



How to LEGALLY Claim Free Land and Property in the UK!

This really works! I have already taken possession of 2 pieces of land and 5 properties. It really is worth the initial legwork – once you have started the process with one plot/property the second one is easy – you know the ropes and instinctively know if it feels right!

You would be surprised at how helpful local residents are – they are happy to have an eyesore of a house smartened up and to have overgrown plots cleared and made respectable; *after all it helps their homes increase in value!* Who wants to live alongside a derelict house that often attracts undesirables hanging around or a plot strewn with discarded rubbish and overgrown weeds?

The UK Land Registry currently holds details of approximately 19 million registered land and property plots in the UK.

There are an estimated 7 million unregistered land and properties in the UK at the moment with an estimated value of in excess of £6 Billion!!!

I am not claiming that all 7 million plots can be easily claimed – however the likelihood of finding several plots or properties that you can claim is very good!

According to the Empty Homes Agency there are 700,000 empty homes in Britain of which nearly 100,000 are in London!! A sizeable portion of these are abandoned or derelict. In fact the BBC is currently producing a programme about

this entitled "Dereliction Detectives". These properties, few of which have traceable owners, are just the types that after carrying out proper searches you may be able to claim for free using this guide.

These properties will of course at some time have had an owner. It may be that the owner simply never registered his or her title... however it could also be that the owner died and left no will and has no relatives, or that the owner has even moved away from the area, many years ago effectively abandoning the land or property.

These then briefly are the types of property and land plots, which by following the detailed guidelines with this guide, you could **claim as your own and start earning immediately from it** via the legal vehicle of adverse possession.

Another interesting point worthy of mention here is the Royal Institute of Chartered Surveyors figure over 15,000 plots of land and property that are being legally claimed every year, which are around 300 plots/properties per week!!!! Not all these claims will be of the same scale and type that this guide explains. However this did lead Chris Harpum of the Law Commission (who helped draft the recent Land Registration Act 2002) to comment that people claiming land and property had become something of a "national pastime"!!

The legal definition of adverse possession is as follows:

"The gaining of title to real estate by: continuous, hostile, open and possession over statutory period."

The guide will cover the content of this definition in further detail as we progress. Initially, the land plots and properties you'll be looking for could be: run down or abandoned, derelict farmhouses, disowned buildings, properties accessed via an overgrown driveway...fields hidden plots of land or even old terrace or detached houses. **But where do you start?** Please read on and I'll explain in full throughout the following pages of this guide.

In the first instance I would recommend you obtain the following booklets from the Land Registry. These booklets (and many others) can be instantly downloaded from the main Land Registry website at www.landreg.gov.uk. Or by clicking directly on the links below if you currently have an open internet connection.

These documents are in PDF format and you will need Adobe Acrobat to view them. If you do not already have this it is available as a free download from www.adobe.com.

Public Guide #1- "A guide to the information we keep and how you can obtain it"

... http://www.landreg.gov.uk/assets/library/documents/public_guide_001.pdf

This very informative booklet contains further information regarding the Land Registry, a few sample forms –together with an overview of the services and facilities the Land Registry offer.

Practice Guide #4 "Adverse possession of Registered Land under the new provisions of the Land Registration act 2002"

... <http://www.landreg.gov.uk/assets/library/documents/lrpg004.pdf>

Practice Guide #5 "Adverse Possession of Registered Land under the new provisions of the Land registration Act 2002"

...<http://www.landreg.gov.uk/assets/library/documents/lrpg005.pdf>

If you prefer you can also request that the UK Lands Registry HQ in London to post you out the above booklets that will do so free of charge.

They can be contacted on **020-7917-8888** or alternatively you could write to them at;

**HM Land Registry
32 Lincoln's Inn Fields
London
WC2A 3PH**

Two further items you will also find extremely useful to obtain at some point in the future are the **Ordnance Survey Map** for your local area of your search and the **Ordnance Survey INTERACTIVE ATLAS Double CD-ROM** set which provides full in depth analysis and map coverage of the whole of the UK and can really help in the pinpointing and researching of potential targets of Land and Property. You will be able to refer to both of these for years to come and they are available from the Ordnance Survey Website and/or your local stationers/bookshop. The CD is also often available on eBay for sale for a greatly reduced price. Just type 'interactive atlas' into the search page and you should find plenty.

Another very useful free research tool (many other sites charge for this information) that can be used to find out the recent prices of any properties that have been sold in any street in the UK can be found at www.nethouseprices.com Click on this now and type in your postcode into the search box to get an idea of how it works.

A complete list of all the forms referred to in this guide is available at the Land Registry @ www.landreg.gov.uk/publications/?pubtype=1

Throughout this guide I have presented direct clickable links to all the forms you will need as well as providing a complete list on the final page.

Note. Links can eventually change and become invalid as websites get revamped etc so it's always a good idea to print out any information you find useful for future reference.

There is also a separate and new site recently made available by the Land Registry at www.landregisteronline.gov.uk which allows us to electronically perform property searches. (More about this later in the guide)

1. GETTING STARTED.

Strange as it may sound the best place to start is on your own doorstep!! Have a walk round your particular area, if you're a car owner and make regular short journeys, try walking once in a while. It's amazing the different things you'll notice... the things you would just never see if you were driving. You'll also see things you never even knew existed. Does every bit of land and every property you see on your journey, look well maintained, and well looked after and 'lived in'...Usually not.

There is sure to be some suitable land or property in your vicinity: that broken down house, Derelict farmhouse, an overgrown plot of land, an abandoned property beyond repair? Keep your eyes peeled, because you never know when the first opportunity is going to crop up... but make no mistake – it most certainly will!

The best land plots and properties that are worth considering (as candidates for your future claims) are the ones that appear to be overgrown, un-kept and unused.

These types can be classified into the following categories, however, this is not an exhaustive list, and you may want to take time to consider any further categories, which you feel may be worthy of inclusion;

- A.** Plots of land that are empty and overgrown with vegetation
- B.** Plots of land that are vacant and wild flowers are present with trees and tumbleweed.
- C.** Land used by and adjacent land owner on an unofficial basis.
- D.** Empty plots which are neither agricultural nor arable land.
- E.** Land with no evident or well defined boundaries, which appear to be un-kept and vacant together with its boundaries.

- F.** Land that includes derelict buildings located on it, which appears to be vacant and in a poor state of repair.
- G.** Properties/factories/buildings in poor state of repair and vacant.
- H.** A combination of one or more of the above.

You really need to use your imagination here and all the things listed should set alarm bells ringing with the question forming in your mind...‘could it be’...‘might it be??’

Quite how far down the line each plot of land or property you potentially deem worth of further investigation is going to ‘fit the bill’ or be suitable prospect for a land claim we don’t know at this stage and will depend on what our future enquiries reveal. However this is a crucial first step in the process and it is very true to say that one person can follow a path or lane and see nothing and another can see everything!!

When looking for suitable target properties and land plots to claim, be sure to bear the following points in mind at all times.

- Do not be too quick to assume that empty pieces of land are owned by the Local Authority, electrical or water companies – especially when they are located within built up areas.
- Do not automatically assume that either the local authority or the adjacent land owners own all grass verges.
- Just because animals are pasturing on a piece of land, it doesn’t mean that it is owned or registered.
- Casual car parks are not always owned.
- It may be worth looking for land that is occasionally occupied by travellers or Gypsies, as this land may be suitable.
- Do not automatically assume that land used as someone’s garden is automatically owned by them. As you may be aware, there are numerous disputed between adjoining land owners, where boundaries have been relocated in order to gain land from someone else.
- Do not assume that land or properties which are used for any particular purpose are in fact owned.
- Do not assume that all central banks and footpaths are owned by the National Waterways Authority. This is not always the case.

2. YOUR NEXT STEP

Now that we have located our ‘prospect we think could well be suitable for claiming through adverse possession the next crucial stage is the MAKING OF INVESTIGATIONS.

I cannot over emphasise how crucial this stage is and how important it is to **make diligent and careful investigations** to find out as much about the site as possible and more importantly for our purpose whether it is registered/unregistered and/or the identifiable traceable owners.

Also again please remember a fact a property or land is unregistered is NOT definite confirmation the land or property can be claimed or is not owned... every situation and circumstance always needs careful, prudent and diligent investigation!!

Our starting point is here LAND REGISTRY and we can access the new electronic online search facility which is located at www.landregisteronline.gov.uk This will allow us to search electronically to discover if property is registered and if so download copies of the register and title plan to provide us with further details of the ownership and the extent of the property with regard to boundaries etc

This facility is available from 7am to 12 midnight Monday to Friday online. We also recommend in all cases where an online search suggests a property is unregistered that you instruct the Land Registry to do a free manual search to double check this by downloading and completing Form SIM (Search of the Index Map) @ www.landreg.gov.uk/assests/library/documents/sim.pdf and posting this back to them.

THE INDEX MAP is a large scale computerised map kept by the land registry based on the ordinance survey map which shows whether a property on the map in England and Wales is registered and if so the Tile Number(s). The Index Map will also reveal whether there are any 'Cautions against FIRST Registration' affecting an unregistered property (more about these later).

1. IS IT REGISTERED OR UNREGISTERED?

There are two scenarios to consider here...the first is where we can identify a postal address for our property which will be the case with most types of buildings etc. Secondly is the situation where no postal address is available, which may be the case with many plots of derelict/waste land or where the land is in the middle of nowhere etc.

(1)WHERE POSTAL ADDRESS IS AVAILABLE

The postal address is often obvious from the location and if there is any difficulty with identifying a street name than a cheap local town street map can always help.

Post Codes are obtainable for any address at the Royal Mail website

www.royalmail.com/portal/rm/postcodefinder?pageld=pol_login&catId=400145&_requestid=155726 (Free but registration needed)

We can then perform a free online search enquiry to discover whether a property is registered by entering these details into the PROPERTY ENQUIRY page at the land registry online website @

www.landregisteronline.gov.uk/servlet/TitleSearchServlet

It's a good idea to go to the link above anyway and type in a few known addresses to see how it works and get a feel for it.

As you will see the Search Results page provides the title number if the property is registered and the date the register was last updated. It also offers you an option to purchase for 2 pounds each an electronic copy of the register and title plan electronically and instantly (more about this later)

PLEASE NOTE

The Land Registry advise that if the PROPERTY ENQUIRY online service does not electronically match the property address with a title registration number suggesting that the property is unregistered then in order to be 100% sure that the property is unregistered you should download and complete Form SIM (Search of the Index Map) and post this back to them and they will carry out an additional manual search to double check.

(2) WHEN THERE IS NO POSTAL ADDRESS. ATTACH A PANTO FORM SIM

We can attach a plan to form SIM to help the Land Registry identify land if we don't know the postal address or it doesn't have one as may be the case with a patch of waste land or countryside plot or if for any reason anyway the land registry cannot match the address electronically with their records by PROPERTY ENQUIRY form online. We again download and complete and print out form SIM (Search of the Index Map), and simply attach the plan and post to them. This service is free.

In these circumstances this is when an Ordnance Survey Map will be very useful as all Land and respective boundaries are detailed on these Maps. Registered Land and property covered within the OS map area will be highlighted with a red border line although this is for general guidance only.

The information the Land Registry will send back to you after receipt of this Form SIM will only be very basic stating if the property is registered and the title number and any cautions affecting the land. Once we know the title number if registered we can then enter this into the PROPERTY ENQUIRY form at the Land

Registry online and upon payment of the fees we have the option to obtain further details about the ownership of the property as we did above when the address was known.

2.

(a) **IF THE PROPERTY IS REGISTERED**

This means that someone at sometime has been registered as the owner of the property in question. The time of last update of the Register provides us with some idea of how recently someone had "active" ownership of the property or land in question although of course this is not conclusive of their interest now. The land could still be unwanted, disowned or part of a deceased estate and a claim may still be possible.

(b) **THE LAND OR PROPERTY IS UNREGISTERED**

Please do not make the mistake of automatically assuming that the land which is unregistered and un-kept is un-owned. It is a fact that all land even if unregistered is owned by someone somewhere. If however you have carried out full and proper research and extensive investigations into the property and it appears unused, unwanted and disowned with any extensive investigations into the property and it appears unused, unwanted disowned with any reputed owned untraceable then this may be a distinct possibility for staking a claim.

(c) **THE LAND OR PROPERTY IS PENDING APPLICATION FOR FIRST REGISTRATION OR PENDING APPLICATION TO REGISTER A CAUTION AGAINST FIRST REGISTRATION.**

This could well mean that someone else has already shown an interest in the land/property and it is in your best interests to start looking elsewhere.

DISCOVERING THE OWNERS DETAILS IF THE PROPERTY IS REGISTERED.

There are two ways of finding out more about who owns a registered property.

- (a) We can download copies of the register and plan online and an option for doing this is presented to us after carrying out the PROPERTY ENQUIRY as described above @ www.landregisteronline.gov.uk/servlet/TitleSearchServlet

(i) **Procedure.**

- (a) Simple type in the Registration number into the PROPERTY ENQUIRY Online Service. The search Results page will present you with an option to purchase and download a copy of the Register Entry for the property

concerned as well as a copy of the Title plan. There is a fee of 2 pounds for each download and you can pay securely online by credit/debit card. You will also need a valid email address. If you click through the pages on the site @ www.landregisteronline.gov.uk/servlet/TitleSeachServlet you can obtain all the requirements.

If you go to www.landregisteronline.gov.uk/resources/example_register.pdf you can see how a copy of an entry on the register appears.

If you go to www.landregisteronline.gov.uk/resources/example_title_plan.pdf you view a copy of a title plan.

(b) We can also apply by post to the Land Registry for Official Copies of the Title Plan by downloading form OC-1. @ www.landreg.gov.uk/assets/library/documents/oc1.pdf This provides the same information as the online services above however are guaranteed copies of the Register and same information as the online service above however are guaranteed copies of the Register and Title suitable for official use. They may be necessary at a later date to claim title but at present offer no advantage to us in terms of extra information over the online service and twice as expensive.

Please Note:

You should consider carefully if the copy of the Register of Title Plan has revealed any specific rights of way, covenants or restrictions, and/or any rights it has over surrounding properties etc.

These will not crop up very often but if they do appear then you should seek clarification from a solicitor or alternatively your local council planning department may be of assistance.

The reason for this is due to the fact that if anyone has legal right of way over and/or across a significant part of the land in question, then (according to my recent feedback) the Land Registry would class your adverse possession claim as 'highly unlikely'. You would of course have to weigh up the facts of the matter, but in the majority of cases your ultimate claim for adverse possession would **not** be granted.

For specific guidance in relation to this point, please consult with your solicitor in the first instance. It also goes without saying that erecting a 'No Trespassing' sign, where a right of way exists would be of little use or relevance.

SO WE NOW HAVE THE OWNER AND PROPERTY DETAILS OF THE REGISTERED LAND/PROPERTY!!

As you can see from the Title Register and The Title Plan we can now ascertain the full and complete details of the land or property owners together with a map of the property delineating the actual boundaries of the land together with any rights of way, covenants and/or restrictions which apply to its boundaries of the land together with any rights of way, covenants and/or restrictions which apply to its use, any rights it has over surrounding properties and any charges such as mortgages that apply to it.

IF THE PROPERTY IS UNREGISTERED

As mentioned earlier if the Form SIM confirms the online PROPERTY ENQUIRY that the land/property is indeed unregistered then you must still NOT ASSUME that the land is owned by nobody and can be automatically claimed. We still need to carry out investigations and inquiries to enable us to form a reasoned judgement concerning the owner status of the property and how we ascertain this will be fully covered in detail in the next section of the guide.

It may be simply unregistered as it has not changed hands since land registration became compulsory in the area in question. This has to be the starting assumption however if the property is derelict/run down or apparently uncared for as it is likely to be if we are at this stage then it may be that the property or land is simply unwanted by the current owner who left it. The owner may be unaware they actually own the land in question due to an error in the probate system or the owner has died intestate (leaving no will) and there are no beneficiaries to inherit the property.

SUMMARY

FOLLOW CHART TO DETERMINE IF PROPERTY IS REGISTERED AND TO FIND FULL PROPERTY OWNERSHIP DETAILS

1. FIND PROPERTY ADDRESS....

May be obvious or use town street map and royal mail online service for postcode then use online property enquiry and form SIM by post to confirm unregistered and to check online search. If registered go to online property enquiry and click through and purchase online registry copy and copy title and/or form OC-1 official copies of register/title by post = fill property details revealed!!

2. NO PROPERTY ADDRESS

Use Form SIM by post plus attached plan. If registered then use online PROPERTY ENQUIRY. Click through and purchase online register copy and copy title and/or form OC-1 official copies of register/title by post = full property details revealed!!

OUR NEXT MOVE IS TO MAKE ALL DELIGIENT EFFORTS TO TRACE THE OWNER

3. TRACING THE OWNER or LAST KNOWN OWNER:

Irrespective of whether your 'target' land plot or property is REGISTERED or UNREGISTERED, you must always take the necessary steps in order to try to locate, track down and/or find the actual owner. So please remember...

Just because a plot of land (or property) is classed as UNREGISTERED with Land Registry, it does not automatically mean that it has no owner- as virtually all land and property (in England & Wales) is owned by someone although of course they owner may have abandoned it, died etc or be otherwise completely untraceable.

So, lets now take a look at the various methods you can use in your attempts to efficiently track down and locate the owner (or last known owner/s) of any particular land plot or property:

- Enquire with people in the immediate vicinity to the last owner. The last owner may have died or had no relatives. In the case of a house, nobody may have visited it for many years,
- Make some discrete inquiries at neighboring properties about the owner - or whether anyone tends to the land/ gardens etc,
- Check the Voting Register/Electoral Roll for the specific locality question. This is usually available for inspection at your local library or alternatively you could visit www.192.com and carry out an electronic search of the register nationwide. You will need to register and there is a charge for searching however you can easily obtain free credits by completing various online questionnaires from sponsors by clicking www.192.com/affiliates.index.cfm
- Chat to the landlord at the local public house, and bring up the land or property in general conversation,
- Ask t the local Post Office whether they recall having delivered mail to any mail address in question - and if so, when,
- Ask the Rector or Vicar of the local church,
- Enquire with the local garage, petrol station, newsagents, shop-keeper or milkman etc.

By asking local people, tradespersons and immediate neighbors if they know the exact whereabouts of the owner, (tell them you are trying to locate the owner with a view to buying the land or property), you could probably get to know where he or she is... whether or not they are deceased... the year approximately they died... whether or not anyone has visited the property since they dies... or whether they had any relations etc.

At the end of the day you really will be amazed at the amount of detailed information you could unearth, by simply speaking to the relevant people.

Note:

You could assign the task of searching for a specific person (or a will), to a specialised company such as www.1stlocate.com although there would be a charge for this.

Now, should you fail to discover any relevant information in relation to the owner (or last known owner/s) – or the consensus of the options you receive lead you to believe the owner has in fact died, then you will need to check this out further via your local Probate Registry Office to discover whether a will was made. Further information concerning how to achieve this can be found online at www.courtservice.gov.uk/cms/wills.htm this is quite difficult site to find your way around however I have indicated below the relevant links that are useful.

The records which are available are almost all Wills proved and Grants of Representation issued in England and Wales since 1858. Grants of Representation and proved Wills are records; anyone is entitled to obtain copies of them.

General details of what you will need to do can be found @ www.hmcourts-service.gov.uk/cms/1226.htm

Please note the addresses of the local District Registries should you wish to search in person (as oppose to making a postal search) are at the bottom of this page not 'overleaf' as it states on the webpage.

Some further useful information can be found @ www.hmcourts-service.gov.uk/cms/1183.htm

In general providing you have the minimum details of the owners name, and (estimated) year of death, this check should enable you to confirm either way, whether or not the owner has died, and if so, if they left a will, and if the land or property in question was actually left to anyone. As you will note enquiries can be made via post, or by paying a personal visit to your nearest office.

Note: If your enquiries at the UK probate Registry confirms the fact that the owner has died, then you may be able to stake your claim to the land or property, as you may find that the beneficiaries have either forgotten about the land, or there are no beneficiaries – or the beneficiaries cannot be traced. Obviously this is time consuming so you will need to do your own due diligence into the beneficiary, to see if they are in fact using the land or property.

These are simple steps that you must take prior to the commencement of any particular land plot or property claim via adverse possession (be it Registered or Unregistered)...because ideally you do not want the owner to appear straight after you take possession of the land or property. This will be a total waste of your time and effort – so do your homework.

Now, armed with your newly acquired information (or lack of information), you'll now need to assess your next move. So.....

If the owner is still living and there's a good chance of your adverse possession claim being quickly challenged, then you should strike land/property off your target list and look elsewhere. As I have stated before in this guide there are just so many claimable land plots and properties out there, you needn't waste your valuable time and effort on one that fits into this specific category. At this point you should look back to earlier in this guide and start the ball rolling again on an alternative target land plot or property.

However, if your enquiries lead you to believe that there was no known traceable owner, or the owner is deceased or not left a will, or they have moved away - in other words, the likelihood of the owner (or heirs) turning up at a later date, ranges somewhere between 'very low' and 'remote' – then its time to take firm decisive action without delay, by **staking your claim to the land or property.**

So..... let's now move on to the next step!

4. HOW TO START THE LEGAL PROCESS OF CLAIMING THE LAND OR PROPERTY VIA ADVERSE POSSESSION:

An introduction and Overview of Adverse Possession:

We have all heard the statement "**Possession is nine tenths of the law**". Well, this is an important principle used on a daily basis within Land and Property sector. It is also this same legal statement that will enable you to claim plots and properties for virtually free.

Also, bear in mind that by 'rescuing' abandoned & forlorn land plots and properties, you are (in effect) performing a service to society (and yourself).

WHY? Because abandoned properties become blight on the community. They can quickly become a haven for undesirables a rendezvous for drug dealers, a danger to children, a fire hazard - and an eyesore that drags down surrounding property values.

As the Lord Chancellor himself has said "The public interest benefits if the land held by an owner who take no interest in it can be returned to economic use" and that people who claim land "performing a worthy job of utilizing assets which are otherwise neglected by absent landlords thereby preventing the problem of the nations natural assets being squandered or neglected".

The rule statement from that principle that the real owners right to take legal action remove someone from their land does not last indefinitely, but runs out after 10-12 years depending whether registered or unregistered land/property. After that period of time and provided no objection is forthcoming from the Registered Owner (if registered land) then the law will protect not the real owner but the person in possession and control of the land and award them the title to the land.

The general policy rule that people should not be able to just sit on their rights indefinitely without taking action is consistent with the public interest being best served by land being in economic use and that an owner who shows no interest in his property should not be able to sit on his rights for longer than 10-12years.

Furthermore, it generates no property taxes so it becomes a financial burden on the entire community. Without adverse possession laws, a multitude of properties and land plots would simply continue to be a problem to the respective locality and its surrounding areas.

Now, moving on from there, generally, the Land Registry accepts that if you have taken possession of a land plot (or property) for a statutory period of time – currently 12 years for unregistered or 10 years for registered land/property, under the current legislation – and without any objection being raised by either the owner or a counter claimant , then.....

In the case of unregistered land/property... you may ultimately become the Registered Owner of the land or property with Possessory Freehold Title.

In the case of 10 years continuous adverse possession of registration land/property, then you would be granted transfer of title, pro-rata to

the previous owners' title. That is to say that if the previous owners' title class was Absolute, then you would be granted Absolute title.

This course would be ultimately decided upon following the Land Registry's attempt to contact the previous registered owner/s after the 10 year period has elapsed – and without receiving a reply back from previous registered owner/s, within the prescribed time period. This point is covered in further detail in this guide.

However, HERE'S THE BOTTOM LINE:

The fact that you did not buy the land or property in question, and you did not inherit it, makes NO DIFFERENCE WHATSOEVER in the eyes of the law.

Furthermore, dependent upon the actual 'strength' of your adverse possession claim, you may be able to have your current Possessory (Freehold) Title (on unregistered land/property) converted to ABSOLUTE (FREEHOLD) TITLE, shortly after the statutory 12 year period, i.e. shortly after you have been registered as the owner and been granted Possessory Freehold Title to the Land. Again, this topic will be fully covered as we progress.

However before we get too far ahead of ourselves, let's take a look at the ways in which to get your actual adverse possession claim underway.

The following section of this guide, namely "Laying Claim – the GROUND RULES" and "EFFECTIVE STATUTORY PERIOD usage", deal (in great detail) with various ways within which you should proceed to claim your specific land plot and/or property via adverse possession – and more importantly, the specific activities you should (and should not) undertake during your statutory 10 or 12 years occupation.

These specific guidelines, although not 'carved in stone', are in line with the Land Registry's current legislation, and will therefore present you with the best possible opportunity of successfully claiming the land plot or property as your own – and achieving your ultimate goal of being granted Absolute Title to it.

a. Land – Laying Claim: The Ground Rules:

Although you are not required to submit any forms to the Land Registry at this initial stage, I would advise you to keep some relevant documentary evidence to back-up the actual starting date of your claim, by carrying out the following simple procedure:

Draw up a basic statement saying something along the lines of-

“As of today, (the date) I am commencing my claim via adverse possession of the property/land located at (location details) and highlighted on the attached plan”.

Have 2 people sign, witness and date your statement, then file this self produced document away for safe keeping. You may also wish to take several photographs of the land or property in question, with yourself in the picture and ideally (if possible) with some kind of landmark within the picture itself. This could be a church in the distance, or something similar – but I’m sure you get the idea.

NOTE: It is very unlikely you will have to produce this document, but at least you have it, just in case.

There are no forms to fill in at this stage because the Land Registry is not in the slightest bit concerned about you or your adverse possession claim, until the prescribed 10 year period (for registered) or 12 year period (for unregistered) has elapsed.

Now, after you’ve filed away your documentary evidence, and with regard to initially commencing your claim and physically being in adverse possession of the land, **here’s what you should do next:**

1. Erect a fence around the land area.

Obviously if the area is large, this could be expensive. With specific regards to Planning Permission, the current law for the whole of the UK states as follows:

“You can build a fence (or a wall) around a specific plot of land, should the fence or wall exceeds 2 metres in height planning permission from the local authority will be needed. Where the frontage of the proposed fence or wall is directly adjacent to a road or a highway, the maximum permitted height of the proposed fence or wall is 1 metre.

The erection of any fence or wall cannot be allowed to affect visibility of road users and/or affect the visibility of any pre-determined access point”

In summary, you can apply for planning permission irrespective of whether or not you own the land or property. You should also check the current ruling with your local council planning department, just to make doubly sure.

With regard to the Land Registry, adverse possession and the important subject of fencing, the Land Registry has a clear guideline briefly detailed as follows:

“Where the land was previously open ground, fencing is strong evidence of factual possession, but is neither indispensable nor conclusive.”

Part C1, LR Practice Advice Leaflet – “Adverse Possession”

In Layman’s terms, this simply means that fencing off the specific area in question is recommended, but cannot be solely relied upon. (See later in the guide for the further sole activities you should avoid during your adverse possession period).

2. **Repair any existing fencing** or repair/renew an existing gate/s. Taking note of the Planning Permission information in point 1.
3. **Make the land look presentable** by cutting the grass trimming the hedges and removing any rubbish etc.
4. **Put up gate/s to keep out intruders.** If the land you are claiming is used by people in the immediate vicinity as common land or waste ground, the erecting of a fence (or wall) around the land area, may well be your best option. Padlock the gates also. In short... treat it as your own!!
5. **Erect a sign to denote your occupancy.** Put up a “NO TRESPASSING” sign in a prominent position near the borders of the land or property, including your telephone number.

At this point in the proceedings, we’ll assume that you have carried out one (or all) of the following tasks, in order to commence your adverse possession:

- **Assembled the relevant documentary evidence to back-up the start of your claim,**
- **Fenced off the area,**
- **Repaired any damaged fencing,**
- **Tidied up the land area,**
- **Put up gates to keep out intruders,**
- **Erected a “No Trespassing” SIGN (if applicable).**

Let’s now take a look at what you must actually do with the land plot, in order to fully comply with the respective adverse possession legislation.

B, Land – Statutory Period Usage:

For your land property claim to be successful, your usage must be:

- **Exclusive** (must exclude all others, including owner)
- **Permanent** (usage cannot be intermittent)
- **Uninterrupted** (must be continuous and ongoing)
- **Unchallenged** (must not be challenged by the owner or their heirs)

...and all of the above must apply for the current minimum statutory period of 10 years (for registered land/property) or 12 years (for unregistered land/property).

To further elaborate on these very important point, please note the following 3 direct quotes from the Land Registry leaflets:

What is required is “not an intention to own or even an intention to acquire ownership, but an intention to possess”. This means “The intention, in one’s own name and on one’s own behalf, to exclude the world at large, including the owner with the proper paper title if he be not himself the possessor, so far as reasonable and so far as the processes of the law will allow.”

Part C2, LR Practice Advice Leaflet – “Adverse Possession”

“No action shall be brought by any person to recover any land after the expiration of twelve years from the date on which the right of action accrued to him or, if it is first accrued to some person through whom he claims, to that person”. The right of action accrues, and so the limitation period starts to run from the start of the Adverse Possession.

Part DI, LR Practice Leaflet – “Adverse Possession”

“An owner of land can lose his or her ownership (whether it be registered or unregistered land) after there has been uninterrupted Adverse Possession”. An existing owner loses his or her ownership after there has been uninterrupted Adverse Possession for the ‘relevant period’ laid down in the Limitations Act 1980.

LR Public Information Leaflet – “Free Land and Property”

So there you have it. Providing that during the Statutory Period (10 or 12 years) of your adverse possession, no one else has proved they are the owner, and you can prove to the Land Registry that you have been using or have made use

(permanently and ongoing) of the land or property for the Statutory Period, being granted ownership, with Possessory Freehold Title, should not be a problem – or having the title transferred pro-rata to the previous registered owners title, in the case of registered land or property.

The only exclusion to the statutory period is relevant to CROWN LAND, where the period is never less than 30 years.

During your occupation of the land (prior to applying for ownership and/or transfer of title) there are numerous ways to proving your permanent and ongoing usage and occupation of it.

Here are a few examples:

Erect sheds & Greenhouses: ideal for growing small plants.

Grow Fruit & Vegetables: You could even supply your local green grocers & market traders (well worth a try).

Grow Trees: Trees are big money earners.

Animal Grazing: Horses, goats & sheep etc.

Grow Crops: This depends on the size of the land etc.

Grow Heather: This depends on the size of the land etc.

And the best option and most profitable and easiest,

RENT: Rent out part of the land to a third party who may wish to do any or all of the above.

Should you decide to profit from your land and/or rent it out to a third party, I would strongly recommend you keep a record of all weekly, monthly or quarterly payments received in lieu of goods and/or services provided during the Statutory Period. These records can then be produced as proof to the Land Registry, that you have been making use of the land for the Statutory Period, when requested.

According to my latest feedback from the Land Registry, please note the following activities, which if carried out solely **will not act as sufficient evidence** of your adverse possession claim:

- Fencing off the land, then leaving it...
- Mowing the grass every month...

- Building a shed or greenhouse on the land then leaving it...
- Occasional car boot sales...

Therefore, if you're sole activities are relevant to any of the above actions, your claim will not be successful. Please bear with that in mind at all times. Also please note that the person in possession will be liable to pay appropriate Council Tax will also go a long way to proving your possession of the property at the time of applying for ownership. With regard to LAND... there may be a liability for taxes depending on the proposed usage etc and it would be best to seek clarification from your local Council Office.

Building on the land:

After 12 years continuous possession of the unregistered land, and your successful registration of ownership with Possessory Freehold title, (or title pro-rata to the previous registered owners title), you will have no problem whatsoever with building on (or developing the land - planning permission permitting, of course.

However, should you decide to erect a property, (or fully/renovate the existing property) before the end of the Statutory Period, then any improvements you make will be conveyed to the land owner or their relatives, should they unexpectedly turn up and prove their ownership. Speaking from personal experience, I would advise you not to build on the land during the Statutory Period.

Important Note: Following being granted ownership to the unregistered land or property after the statutory period, with Possessory Freehold Title, (of having the previous owners title transferred to you in the case of registered land or property), and in order to ultimately protect your investment, there exists a readily available **Defective Title Indemnity Insurance** policy, which you can take out on The Land or property.

Here's what this excellent policy will do for you:

Should the actual owner of the property appear at a later date, and try to 'reclaim' their ownership the insurance company will

1. Pay you FULL MARKET VALUE of the land or property, or...
2. Buy the land or property from the owner and transfer Absolute Title of the land to you, in full and final settlement.

Either way, this policy totally negates the relevance of the owner unexpectedly turning up at a later date. **It makes absolutely no difference to you one way of the other!!!**

Taking this policy into account, you would (at that stage) have the option to sell the land if you wished to do so, together with your possessory freehold title and the Defective Title Indemnity Insurance policy attached to it, for a very nice price.

There are many Insurance companies that can advise on this. Some of the best include...

Countrywide legal @ www.countrywidelegal.co.uk/range.html

Royal sun @ www.profin.uk.royalsun.com/ProductList.html

Marsh @ www.marsh.co.uk

First-Title @ www.first-title.co.uk/

c. Property – Laying Claim: the Ground Rules:

Again, just as with starting your adverse possession of land – and although you are not required to submit any forms to the Land Registry at the initial stage, I would advise you to keep some relevant documentary evidence to back-up the actual starting date of your claim – as detailed earlier in this guide.

Now, with regard to initially commencing your claim and physically being in adverse possession of the property, here's what you should do next:

Gain entry and secure the property: This can be done by utilising the services of a local locksmith. When entering a property, always have the locks changed if possible. Irrespective of the circumstances, do not force entry to the property – **and always be sure not to cause any damage to the property in question.**

When taking possession of a disused or abandoned property, there is not too much more you can do at this stage of the process, aside gaining entry and securing the property.

Repairs, Renovations & Utility Issues:

If the property is in a run down state, then you'll need to attend to this accordingly. Your ultimate objective here is to get the property into a position where you'll be able to physically move in and live there - or alternatively rent the property out to a tenant. These options are covered in detail, later within this guide.

Until your claim has gone the Statutory 10 or 12 years distance, and you have been granted Possessory Title, (or had the previous owners title transferred to you), you would be unwise to spend any great amount of money on the refurbishment. For example, spending thousands on a new kitchen or bathroom could be money wasted (at this early stage in the proceedings) - as there is always a chance that the true owner could appear at any time during the Statutory Period.

However, inexpensive repairs should not be a problem, I.E. painting walls & floors etc.

These are the options you should seriously consider (dependent upon the state of the property) prior to deciding to move in there yourself or renting out the property. Some properties may well only need a lick of paint and a good tidy up, whilst others may need much more attention. You should of course, take these factors into account during the early stages of your investigation into properties you could claim via adverse possession.

Services to the property (i.e. gas, water & electricity) will need careful assessment and consideration, together with the following points:

- Are utility services currently connected to the property?
- Is gas really necessary if electricity is available?
- Can I get the utilities serviced and tested cheaply?
- Could I get by with portable heating and/or lighting appliances?

Again, all of the above questions should be taken into account as early as possible into your claim investigation.

Let's now take a look at what you must actually do with the property in question, in order to fully comply with the respective adverse possession legislation.

D. Property – Statutory Period Usage:

Having taken the necessary steps detailed in the previous section, here are your options:

- **Move into the property:** This of course is dependent on the property's current state,
- **Rent out the property:** on a low rent basis.

Let's now look at tenancy terms and how to set about attracting tenants for the property:

Tenancy Terms:

If the property is rented out to tenants on a low rent basis, it should ideally be done via what is known as a 'TENANCY-AT-WILL' agreement.

This is a type of letting agreement, which legally allows you to ask the tenant to leave the property at very short notice. In lieu of this, the rent you would charge them would be reasonably low.

That is to say, the fact that you have rented the property to them, on a low-rent basis, goes hand in hand with the fact they are governed by the possible quick termination of their tenancy.

Your solicitor could provide you with a standard off the shelf 'TENANCY-AT-WILL' agreement, upon request.

Should you decide to rent out the property, I would recommend you keep a record of all your incomings weekly or monthly rent payments. Ideally you should use a standard rent book for this purpose (available from most stationary shops). This document can then be used as proof (evidence) to the Land Registry that you have been making use (i.e. renting out) the property for the duration of the Statutory Period.

If you have been living in the property yourself, then be sure to keep relevant records also, i.e. receipts, utility bills, council tax bills etc, as these too will be required as proof to the Land Registry that you have (personally) been occupying the property through the Statutory Period.

Attracting Tenants:

In the first instance, place postcards in the windows of local post offices – or place a small classified ad within the 'Properties to Rent' section of the local/free paper. You may well be surprised at the number of individuals out there looking for low-priced accommodation.

The most important factor to consider here is the type of tenant you choose, as opposed to the weekly or monthly rental price you have set, which will be quite low anyway. Choosing the right tenant is very important, because it will ultimately assist your claim. For example, you'll have bills going to the property, which you'll need to substantiate your claim – so you don't want those to get lost, go unpaid or go 'missing' and have to request replacements etc.

You'll also want to claim to be as smooth and low profile as possible, so the last thing you'll want for your neighbors to be annoyed by all night parties and other activities your tenants might undertake. Make this point crystal clear to any prospective tenants, prior to making your final decision. Also note that having a good relationship with the neighbors is desirable, and will help you with your claims.

You should also keep a record of all the respondents to your 'Property to Let' advertisements, just in case your current tenant decides to vacate the property at a later date.

Bear in mind that when you take possession of the property, that's when the Statutory Period 'clock' start counting down. This time will be the same if you live there or if you rent it out.

Important Note: Following being granted ownership to the unregistered land or property after the Statutory Period, with Possessory Freehold Title, (or having previous owners title transferred to you in the case of registered land of property), and in order to ultimately protect your investment, there exists a readily available **Defective Title Indemnity Insurance** policy as detailed earlier, which you can take out on the land or property.

6. Unregistered Land and Property - Applying for Possessory Freehold TITLE AND Absolute Freehold Title:

To enable us to take stock and see exactly where we are right now, please note the following very brief overview of the chain of events that lead from the initial adverse possession of the unregistered land or property, right through to claiming Possessory Freehold Title and ultimately Absolute Freehold Title:

Please Note: The following is shown for example purposes only, and therefore assumes continuous possession of the land or property in line with current legislation – and without any challenge being presented by the owner/s at any time during the Statutory Period/s

- Adverse possession of the unregistered land or property commences.
- 12 years adverse possession ends – and an Application to be the Registered Owner with Possessory Freehold Title is submitted to the LAND Registry.
- The land registry grants Registered Ownership. You are now the registered owner of the land or property, with the Possessory Freehold Title.

A further 12 years on from the date you were granted Possessory Freeholds Title, you can then apply to then Land Registry to have your Title upgraded to Absolute Freehold Title.

In summary, 24 years (**this time can be halved, and is explained later in the guide**) from the initial commencement of your adverse possession claim of the unregistered land or property, you will be the legal owner, and you'll be free to do anything you choose with your newly acquired land of property – subject to local authority constraints such as planning, building regulations, health AND SAFETY, COVENANTS ETC.

You may want to retain the land or property to sell on your retirement, or develop the land. You may also want to use the land or property as collateral to secure a loan or mortgage you were not previously able to. You may want to rent the land or property out to provide you with a second income, or you already have the bug to find more land or property you could successfully claim.

With regard to selling the land, I would strongly discourage this within your first 12 years adverse possession. You may be able to sell your interest during this period, but the sale price would be very low at best.

You would be far better to wait (at least) until you had gained registered ownership with Possessory Freehold Title to the land or property... and it would be even better (and immensely more profitable) for you to wait until you have Absolute Title to the land or property. At that stage you could sell it for the full market value.

Being granted Absolute Title:

Taking the brief overview into account would probably lead you to believe that you must wait a total of 24 years prior to being granted Absolute Title to the land or property.

Following the letter of the law, this is true... but in reality, you could apply for (and usually be granted) Absolute Title long before then. Here's how:

"Where the title is a possessory one, whether freehold or leasehold, the proprietor is entitled to request conversion to either absolute freehold or good leasehold if the land has been registered for 12 years.

Application can also be made, at any time after the land is first registered, to convert a possessory freehold to absolute freehold."

Section 1&3, LR Explanatory Leaflet – "Conversion of Title"

In layman's terms, this means that at any time after you have been granted Possessory Freehold Title to the land (i.e. after 12 years adverse possession); you can apply to have your title converted to Absolute Freehold Title.

The conversion of title is not automatic, as no 2 cases are ever the same... but providing you adhere to the legislation and produce sufficient evidence to substantiate the strength of your claim, it may be converted to absolute Freehold... and could be done in (say) year 13 or 14 of your claim, I.E. long before 24 years have elapsed.

The worst case scenario here is that you apply for conversion of the title, and it is rejected. There would be no harm done, and you'll need to wait the full term, whilst still continuing to profit from the land or property in the meantime.

In addition to the above point, don't forget that you also have the opportunity to cash in to the tune of the **full market value** of the land or property, via the taking out of the **Defective Title Indemnity Insurance policy**, as outlined earlier in this guide.

A. Starting your application for Possessory Freehold Title:

No less than 12 years from the initial start of your Adverse Possession claim of the unregistered land or property, and assuming all the relevant points (and legislations) have been strictly adhered to, let's now concentrate on applying for registered ownership with possessory Freehold Title.

Here's what you'll need to do:

Your first step should be to complete and submit the following items:

- Form FR-1 (The Application For First Registration) @ www.landreg.gov.uk/assests/library/documents/fr1.pdf
- The accompanying Form DL (List of Documents) @ www.lanreg.gov.uk.assests/library/documents/dl.pdf
- A Statutory Declaration.

Clicking on the links above if you are currently online will take you immediately to the form in question. Alternatively you could scroll down and locate it yourself from the Land Registry Website Forms Page @ www.ladreg.gov.uk/pulications/?pubtype=1

You can also of course obtain any of these forms as well by post from the Land Registry HQ Office.

HM Land Registry Headquarters
32 Lincoln's Inn Fields
London
WC2A 3PH

With specific regard to Form DL its main function is to enable you to include a list of supporting documentary evidence to support your adverse possession claim of the land or property in question.

This documentation could include, (but is not limited to), the following items:

- The signed, dated and witnessed **letter** (and photographs) you assembled prior to the commencement of your adverse possession,
- **Rent Books** - to prove the incoming weekly, monthly quarterly payments received from tenants of the property, or individuals that have rented the land from you etc,
- **Utility Bills** received at the land/property, by yourself or any tenant's,
- **Council tax bills** received at the land'/property, by yourself of any tenant's,
- **Any other documentation** you can produce in order to prove your continuous uninterrupted possession of the land or property during the Statutory Period.

With regard to the Statutory Declaration, this should be completed, with the help of your solicitor, to include and cover all the relevant details applicable to your claim, including the following information:

- The circumstances in which your adverse possession started, including the specific date.
- The specific purpose for which the land/property has been used, and the activities carried on there.
- The extent to which the land or property is enclosed by fences, their nature. Who erected them and maintained them and on what date/s.
- If there is a gate, details of whether or not there is a lock and key – and if so, who holds the key/s.
- The name & address of the owner, or the person thought to be the owner.
- The title number and documentation of any registered land you may own that adjoins the land or property area you are claiming.
- The documentation relevant to any unregistered land you may own that adjoins the land or property area you are claiming.

- Confirmation that your occupation of the land or property has not been under a lease tenancy or license - or with the consent of any person.
- Full details and documentation relating to any disputes arising from your occupation (or tenant's occupation) of the land or property.

The forms FR-I and DL should be taken to a practicing Land Law Solicitor, who will help you complete them in line with your objective, A plan of the land area should also be attached to Form FR-I, with the respective land area highlighted.

Your Solicitor will also be required to sign the forms and sign and witness your Statutory Declaration. Form DL should also be returned to the Land Registry in duplicate (i.e. 2 copies should be sent) together with the rest of the forms and documentation.

Note: All of this may seem a little daunting at this early stage, but bear in mind your Solicitor will have dealt with (and completed) these forms hundreds of times before – so you need not worry about completing all these forms.

Finally, with specific regard to the Land Registry fee payable in respect of your form FR-I submission, this is based on the value of the land or property. Your best option here, would be to estimate it yourself, based loosely around the value of land and property surrounding it, if applicable. My advice would be to value it between £0 and £50,000 – putting the land or property within the first scale charge band, and with a Land Registry fixed fee of just £40. A cheque made payable to 'HM Land Registry' should be included with the form.

Undoubtedly the land will be worth more if your claim is successful at a later date but in the meantime, true market value of the land (in the case of land currently under adverse possession) will be a lot lower.

If the land (for example) could be described as being a "Prime Development Land" area, then you should arrange for a professional valuation to be done via a local conveyancer. You do not want to purposely undervalue the land at the time of submitting Form FR-I, as this could work against you in the future.

The Land Registry Surveyor:

The Land Registry Surveyor will visit the site in question, in order to access the site and to take photographs. However, this will only occur if (for example) the plans on your originally submitted Form FR-I are not clear or contradictory to the respective deeds. The current Site Inspection Fee, should it be deemed necessary, is a fixed fee of £40. The only exception to this rule is if the surveyor needs to visit the site, in relation to a land dispute or court hearing. A fee will be applicable in this instance.

Shortly after submitting Forms FR-I, DL and your Statutory Declaration to the Land Registry, and assuming everything is 100% "in order", relevant to the legislation, you should hear back from them with confirmation of your registered ownership with Possessory Freehold Title.

You should file this document in a safe place for future reference.

B. Starting you application for Absolute Freehold Title:

12 years after being granted ownership of the land with Possessory Freehold title, (i.e. 24 years after initially commencing your claim), and assuming all the relevant points (and the legislations) have been strictly adhered to during the same period, let's now look at how you would proceed to apply for Conversion of Title of the property of land, from it's current Possessory Freehold Title to Absolute Freehold Title.

Note this text from the current Land Registry Rules:

"Where the title to a freehold estate in land has been entered in the register as possessory for at least 12 years, the registrar may enter it as absolute if he is satisfied that the proprietor is in possession of the land."

The Land Registry Act 2003, Section 62 (Power to Upgrade Title), Subsection 4

Here's what you'll need to do:

Complete and return to the Land registry Form UT-I (Application for Upgrading of Title) @ www.landreg.gov.uk/assests/library/documents/ut1.pdf

This form should be taken to a practicing Land Law Solicitor, who will help you complete it accordingly, and in line with your objective. It should be returned to the Land Registry with the additional required documentation, as detailed previously, and including the official documentation you received from the Land Registry when you were initially granted ownership of the land with Possessory Freehold Title. Your solicitor will be able to advise you further on these points.

Shortly after submission, you should hear back from the Land Registry with confirmation of your registered ownership with Absolute Freehold Title. You should file this document in a safe place for future reference.

As this stage, you will be the proud legal owner, with Absolute Freehold Title to the land or property - and you'll be free to do anything you choose with your newly acquired land or property – subject to local authority constraints such as planning permission, building regulations, health and safety, covenants etc.

7. Registered Land and Property – Applying For Ownership and Transfer of Title:

Following your continuous and uninterrupted possession of the registered land or property, for a minimum Statutory Period of 10 years, and assuming all the relevant points (and legislation) have been strictly adhered to during the same period, let's now look at how you would proceed to ultimately have previous registered owners title transferred to you.

Note the following text from the current Land Registry Rules:

"Right to apply for registration:

- 1. A person may apply to the registrar to be registered as the proprietor of a registered estate in land if he has been in adverse possession of the estate for the period of ten years ending on the date of the application."**

Land Registration Act 2002, Chapter 9, Schedule 6

Here's what you'll need to do:

Complete and return Form ADV-I to the Land Registry (Application for registration of a person in adverse possession under Schedule 6 to the Land Registration Act 2002)

@ www.landreg.gov.uk/assests/library/documents/adv1.doc

Again, this form should be taken to a practicing Land Law Solicitor, who will help you complete it in line with your objective.

Documentary evidence to support your claim of the land or property in question should also include, (but is not limited to) the following items:

- **The signed, dated and witnessed letter** (and photographs) you assembled prior to the commencement of your possession,
- **Rent Books** received at the land/property by yourself or any tenant's,
- **Council tax bills** received at the land/property, by yourself or any tenants,
- **Any other documentation** you can produce in order to prove your (or your tenant's) continuous uninterrupted possession of the land or property during the Statutory Period.

With regard to the required Statutory Period, this should be completed, with the help of your Solicitor, to include and cover all the relevant details applicable to your claim, including the following information:

- The circumstances in which your adverse possession started, including the specific date.
- The specific purpose for which the land/property has been used, and the activities carried on there.
- The extent to which the land or property is enclosed by fences, their nature. Who erected them and maintained them and on what date/s.
- If there is a gate, details of whether or not there is a lock and key – and if so, who holds the key/s.
- The name & address of the owner, or the person thought to be the owner.
- The title number and documentation of any registered land you may own that adjoins the land or property area you are claiming.
- The documentation relevant to any unregistered land you may own that adjoins the land or property area you are claiming.
- Confirmation that your occupation of the land or property has not been under a lease tenancy or license - or with the consent of any person.
- Full details and documentation relating to any disputes arising from your occupation (or tenant's occupation) of the land or property.

A plan of the land area should also be attached to Form ADV-I, with the respective land area highlighted.

With regard to the Land Registry fee payable to your Form ADV-I, this is currently a fixed fee (in line with the LR Fee Order 2003) of £100. A cheque (made payable to "HM Land Registry") should be included with the form. This figure also includes the standard Site Inspection Fee of £40, due to the fact that the Land Registry Surveyor may need to visit the site personally.

- The Land Registry will write to the registered owner of the land or property, (i.e. the person/s they currently have their records as being the "registered owner") to advise them they have received an official application to have the land or property registered in the name of a new owner (i.e. you). It will of course, be worded very differently to that but that will be the main thrust of the communication.
- Upon receipt of the letter, the registered owner of the land or property will have a maximum period of 65 business days (3 months) in order to reply to the communication and object to the registration. If this happens, then, of course, your application will be rejected.

Again, it is for this reason that before proceeding with any adverse possession claim on registered land or property, you should be sure to carry out your due diligence in respects to tracing the registered owner/s.

However, if you have done your homework, then the likelihood of the registered owner/s responding to the Land Registry's communication will be very remote and you can celebrate accordingly.

In addition, the Land Registry Surveyor may also need to visit the site in question, in order to access the site and take photographs. However, this will only occur if (for example) the plans on your originally submitted form ADV-1 are not clear or the case needs further investigation (for whatever reason), prior to a decision being made. The current Site Inspection Fee is a fixed fee of £40, which is included within the £100 fee.

Now, when the Land Registry are satisfied that they have received no communication from the registered owner, and/or the Land Registry Surveyor has visited the site in question, you should hear back from them soon after, with confirmation of your registered ownership together with your transfer of the title documentation, pro-rata to the previous registered owners' title. That is to say, if the previous registered owners' title class was absolute, then you will have the same Absolute Title transferred to you.

With regard to selling the land, your very best option would be to wait the 10 years, have the previous owners' title transferred to you, then consider selling the land if you wish to do so—as it is always immensely more profitable to sell the land or property with Absolute Title.

If for any reason, your ADV-1 application is unsuccessful, then you are entitled to apply again to the Land Registry after 2 years from the rejection date.

Don't be daunted by having to wait 10 or 12 years for Possessory title (don't forget you will be amassing income in that time!). At today's prices when an average home in an average area can cost upwards of £150,000 isn't it worth hanging in there to 'earn' that capital along with the rental income over the years???

Good Luck!

I hope you are getting your coat on now to go out and find that goldmine!