

In Michigan, adverse possession is a legal doctrine that allows someone who occupies another person's land to potentially become its legal owner—but only if they satisfy strict legal requirements over a long period of time.

The doctrine exists to resolve long-standing disputes over land use and ownership. It does not mean someone can simply move onto vacant property and automatically acquire it.

Under Michigan law, a person claiming adverse possession generally must prove that their possession of the property was:

- **Actual** – They physically used or occupied the property.
- **Visible and notorious (open and notorious)** – Their use was obvious enough that the true owner could have noticed it.
- **Exclusive** – They exercised control over the property, rather than sharing possession with the public or the owner.
- **Continuous and uninterrupted** – They maintained possession for the required statutory period without significant breaks.
- **Hostile** – They possessed the property without the owner's permission. "Hostile" in this context does not mean aggressive or confrontational; it means the possession was inconsistent with the owner's property rights.

The time requirement

In Michigan, the required period is generally 15 years of continuous adverse possession.

For example, someone who mistakenly builds a fence several feet onto a neighbor's land and exclusively maintains that strip as their own for 15 years may have grounds to claim ownership of that strip, depending on the specific facts.

Permission defeats adverse possession

One of the most important points is that permission from the owner prevents an adverse possession claim.

For instance:

- **If a neighbor allows you to garden on part of their property, your use is permissive—not hostile—and generally cannot ripen into adverse possession.**
- **If the owner later revokes permission, the analysis changes only**

from that point forward.

Common situations

Adverse possession often arises in cases involving:

- **Boundary fence disputes.**
- **Driveways that encroach onto neighboring property.**
- **Long-used access roads.**
- **Landscaping or gardens extending beyond the true property line.**
- **Rural land that has been occupied or maintained for decades.**

Burden of proof

The person claiming ownership through adverse possession bears the burden of proving every required element. Courts generally require clear and cogent evidence because adverse possession results in the transfer of legal title without a conventional sale.

Adverse possession vs. prescriptive easement

These are related but different doctrines:

- **Adverse possession can result in ownership of the land.**
- **A prescriptive easement typically grants only a right to use the land (such as using a driveway or path), not ownership.**

Practical advice

If you believe someone is adversely possessing part of your property, or you think you may have an adverse possession claim, it's important to have the property surveyed and consult a Michigan real estate attorney promptly. Small factual differences—such as whether the use was truly exclusive or whether the owner gave permission—can determine the outcome.

This is a general explanation of Michigan law, not legal advice for a specific situation.