



DUKE W. DUNBAR  
ATTORNEY GENERAL

# The State of Colorado

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

HIGHWAY DIVISION

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DENVER, COLORADO 80222

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IN REPLY REFER TO A.G. NO.

### LEGAL OPINION

#### Title by Adverse Possession and Payment of Taxes


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 and payment of taxes.

1. The person or corporation claiming title by adverse possession and payment of taxes must have been in continuous, open, notorious and hostile possession of the property for a period of 7 years or more.
2. That said corporation or person has paid real property taxes for a period of 7 years or more.
3. That said corporation or person has had seven years possession under claim or color of title.

Execution of the attached Affidavit, D.O.H. form 309, indicates that these requirements have been met.

DUKE W. DUNBAR  
Attorney General

JOSEPH M. MONTANO  
Chief Highway Counsel

  
GEORGE D. DIKEOU  
Assistant Attorney General

Project(UT) \_\_\_\_\_

Project(CN) \_\_\_\_\_

Location \_\_\_\_\_

**AFFIDAVIT**

STATE OF COLORADO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_ ,  
(Name of person signing affidavit)  
of \_\_\_\_\_ ,  
(Name of Corporation)

being of lawful age, hereby state, declare and affirm that:

1. I am the duly elected \_\_\_\_\_  
(Office, e.g., President, etc.)  
of \_\_\_\_\_  
(Name of Corporation)

and, as such, I am duly authorized by the By-Laws and Articles of said Corporation to execute this Affidavit.

2. I am familiar with and have knowledge of the easement of said Corporation, passing on, over or under real property described as:

*(Insert description of real property over which the easement in question passes.)*

which property is owned of record by \_\_\_\_\_  
(Name of Owner)

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 seven (7) years or more, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

5. That said Corporation, or its legal predecessor or predecessors, has/have paid real property taxes on said easement for a period of seven (7) years or more, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and that copies of tax receipts for said years are attached hereto.

6. That said Corporation or its legal predecessor or predecessors has/have had such seven (7) years possession under claim or color of title, which claim or color of title is evidenced by the \_\_\_\_\_,  
*(Document on which claim is based, e.g., deed, etc.)*  
attached hereto as Exhibit "A."

7. 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)*

(Notarization next page)

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