

In the 1970s we bought a small farm in Alabama. On the north side of the property the lines were well marked by big trees with a pasture fence nailed to them. That fence has been the line for almost 100 years. A 3-acre lot recently sold on that side of the farm, and the land surveyor marked a new line that did not follow the trees. In fact it went into our pasture by several feet. Using this survey the new owner is claiming some of our land. What are our rights in this case?

You may have the right here to claim title by adverse possession. Depending on the rules in your state, generally when one has occupied property openly, continuously, exclusively, adversely and notoriously (meaning the occupancy has not been hidden or concealed) for a number of years, the title may be deemed established by adverse possession.

If the neighbor insists he owns the property, a "trespass to try title" or similar lawsuit could be brought to a court to rule on the disputed property.

—C. Dan Campbell/Brooks & Campbell

Three years ago I bought several acres of reclaimed coal mine land in Indiana. I formed an LLC and focus on land conservation and wildlife habitat. When I bought the land it contained a gas well and the mineral rights were leased. But since then the gas company has put in two more wells and is currently building a third. They are destroying roads and dams in the process. What are our rights?

This is a hard question to answer as it involves details in a document you likely signed or were given when you bought the land. This document, probably a mineral lease, describes your rights.

Don't let the bargain price blind you to what you're getting when you purchase land like this. Have a lawyer look over the mineral lease and explain it. Make sure you understand your rights.

See if your lease compensates for damages to the land's surface. You might also—working with a lawyer in your state—try to find a law that will hold damages on this property to a reasonableness standard.

—Robert P. Achenbach/Agricultural Law Digest ●

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