



**JAMES G. DIBBINI  
& ASSOCIATES, P.C.**  
*Attorneys At Law*  
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## **Understanding Property Boundary Disputes and Your Legal Options**

At James G. Dibbini & Associates, P.C., we often receive questions from property owners regarding boundary line disputes, encroachments, adverse possession claims, and easement rights. These issues can cause tension between neighbors and, if unresolved, may lead to legal battles. Below is a helpful guide to understanding your rights and options when these issues arise.

### **Common Causes of Boundary Disputes**

Boundary disputes often arise from:

- Unclear or outdated property surveys
- Fences or structures that cross property lines (encroachments)
- Landscaping or driveways extending onto neighboring land
- Disagreements about shared access or maintenance responsibilities

### **Adverse Possession in New York**

Adverse possession is a legal doctrine that allows someone to gain legal ownership of land they have openly used for a continuous period of time. In New York, a person may claim adverse possession after 10 years of actual, exclusive, open and notorious, and hostile use of the property without the owner's permission.

### **Amendment to Adverse Possession Law in New York**

In 2008, New York significantly tightened its adverse possession laws with amendments to the Real Property Actions and Proceedings Law (RPAPL). These changes raised the standard for claiming title through long-term use of another's property.

If title to the adversely possessed land vested before 2008, the more flexible common law rules still apply. Under that standard, a "claim of right" did not require the possessor to believe they owned the property.

However, for claims where title would vest after 2008, the new statute applies a stricter test. The possessor must now have a reasonable basis to believe they own the land. Additionally, de minimis uses—like mowing the lawn, planting flowers, or installing a small fence—no longer qualify unless they involve substantial improvement or enclosure.

### **Encroachments**

Encroachments occur when a structure—like a fence, deck, or retaining wall—extends beyond a property line. These can be accidental or intentional and may affect property value and future sales. Addressing them early can prevent costly disputes.

## Understanding Easements

An easement is a legal right to use another's property for a specific purpose. Common types include:

- Right-of-way easements (e.g., driveways or access roads)
- Utility easements (for electric, gas, or water lines)
- Prescriptive easements, similar to adverse possession, where long-term use creates a legal right to use the someone else's property

Easements can be written (recorded) or implied by long-standing usage.

## Resolving Disputes

### 1. Open Communication with Neighbors:

In many cases, a simple conversation can resolve misunderstandings. Sharing survey maps and discussing mutual concerns can go a long way.

### 2. Hire a Licensed Surveyor:

A professional survey will clearly define property boundaries and may serve as evidence in case of dispute.

### 3. Enter into a Boundary Line Agreement:

This is a written, recorded document signed by both parties acknowledging the agreed boundary.

### 4. Civil Litigation (If Necessary):

When informal resolution fails, litigation may be necessary to get easements, quiet title, or seek removal of an encroachment. Our office is experienced in handling these matters efficiently and professionally.

## How We Can Help

At James G. Dibbini & Associates, P.C., we represent both property owners and developers in boundary-related matters, including:

- Filing or defending adverse possession claims
- Drafting and recording easements and boundary line agreements
- Representing clients in real property litigation

**Contact us today** if you are dealing with a boundary issue or want to prevent one. Early legal guidance can save time, money, and relationships.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 60 years of experience providing legal services in the areas of:

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