

**My neighbor has been using part of my property as their own for a few years, what are my rights?**

First, you should review your deed to see if your neighbor's property has an easement, or a legally recorded right to use your property for some reason. Many times, an easement might be recorded and included in your deed to allow neighbors to use part of your driveway to access their property, allow the public access to cross through, or even more frequently, allow utilities companies like PG&E the right to check meters.

If your neighbor has been using your property and there is no recorded easement, it is called a prescriptive easement. This means that your neighbor's use of your property is without your permission. In California, in order to acquire legal title to the property, the neighbor would have to not only use that portion of the property for five years, but also pay property taxes on this portion of the property. However, you must be careful if you wish to just block their access by putting up a fence.

Assuming your neighbor is using part of your property without your permission, you should assert your rights. Before you do so, it is important to review your deed to determine what rights they may have, and then review the circumstances regarding the use.

If you would like to speak to one of our attorneys specializing in this area of law, please call us at 408-369-0800 or click on "contact" to send us an email message. We look forward to hearing from you.