

EVENT #3: Mr. Byrd Files *A DECLARATION OF CLAIM OF ADVERSE POSSESSION*

EVENT #3: 5 days after moving in (9-4-2015), Mr. Kevin Byrd filed *an initial filing* with the State regarding his DECLARATION OF CLAIM OF ADVERSE POSSESSION through THE KERN COUNTY ASSESSOR'S OFFICE, *officially putting the property tax bill into his name & beginning the five year process of perfecting a claim.*

Five years later if his Claim did not get challenged by the title holder (the title holders continued to leave it abandoned & did not evict him), Mr. Byrd planned to present this Claim paper & evidence of “tax payments for five years” & of improvements in order to perfect a Quiet Title Claim on the property.

See pages 231-243 for a more in-depth legal analysis of this process including *CODE OF CIVIL PROCEDURE.*

EVENT #3: Mr. Byrd Files A *DECLARATION OF CLAIM OF ADVERSE POSSESSION*

On Friday, 9-4-2015, Mr. Byrd filed an *initial filing* of a DECLARATION OF CLAIM OF ADVERSE POSSESSION using paperwork he received *from* the clerk upon request. Several "publicly beneficial purposes" for utilizing the property were indicated on the DECLARATION *just in case* Wild Willpower progressed their work *enough* in order to EMINENT DOMAIN the property on a later date for use as a home base for *Kern River Wildharvesting Cooperative*.



Mr. Byrd arriving at the COUNTY ASSESSOR'S OFFICE, located on the 2nd floor of the COUNTY OF KERN ADMINISTRATIVE CENTER.



Mr. Byrd arriving at the ASSESSOR'S OFFICE on 9-4-2015..



Mr. Byrd filling out his Claim.

Mr. Byrd's initial filing of the DECLARATION OF CLAIM OF ADVERSE POSSESSION asserted his *Right to seek to Claim a physically neglected, abandoned, & uncared for property in order to seek to perfect a lawful:*

1.) *Quiet title claim upon the real property following due process, statutory requirements (improvements & payments of taxes), & other considerations (ie community service).*

2.) *A negotiation with the title holder, should the holder seek to challenge the Claim, or to make arrangements with the title holder in order to transfer the deed to the Claimant by some other means (ie purchase, easement, etc.).*

Mr. Byrd asserted his *right* to seek to lawfully claim the abandoned property. Because the title holders had left it uncared for *in negligence*, they are required by law to serve an *EVICTION NOTICE* to Mr. Byrd if they choose to remove him from the property. This part of the law is designed to give “lawful possessors” ample time to make arrangements *to move off the property or to negotiate arrangements with the title holder.*

“EVICTION”

Dispossession by process of law ; the act of depriving a person of the possession of lands which he has held, in pursuance of the judgment of a court. Reasonerv. Edmundson, 5 Ind. 395; Cowdrey v. Coit, 44 N. Y. 392, 4 Am. Rep. 690; HomeLife Ins. Co. v. Sherman, 46 N. Y. 372. **Technically, the dispossession must be by judgment of law; if otherwise, it is an ouster.** Mitchell v. Warner, 5 Conn. 497. In the civil law. **The abandonment which one is obliged to make of a thing, in pursuance of a sentence by which he is condemned to do so.**
Poth. Contr. Sale. pt. 2, c.1,¹

The primary reason a state would give [credence] to possessors is to reward the possessor’s labor & attempts to discover unused property. American law draws its origins from English law, which assumes that ***property unused is property wasted.*** Thus, giving credence to possessors *who are acting in good faith* ensures no property will go unused, allowing the community to produce at full capacity. Filling out an adverse possession form will protect the possessor from charges of criminal trespass, however the true owner can still ask the police to *evict* the possessor.²

1 **Black's Law Dictionary, 2nd Ed.:** <http://thelawdictionary.org/eviction/>

2 **LegalMatch.com: “Adverse Possession Lawyers”:** <http://www.legalmatch.com/library/article/adverse-possession-lawyers.html>

More About Adverse Possession:

Based upon *statutory requirements & principles under Common Law*, the Claimant is Declaring:

- “Yes this property *is* physically abandoned *and* showing signs of damage which will *worsen* if the property faces further neglect”.
- “Yes I will *physically reside at and make improvements upon* this property. I will not do this in secret, *but rather publicly.*”
- “Yes I will pay property taxes for the next 5 years, at which point I will request a hearing in order to perfect my *Quiet Title Claim.*”

Frequently Asked Question:

“Don't you have to pay 5 years of taxes *before* you can claim the property?”

Answer:

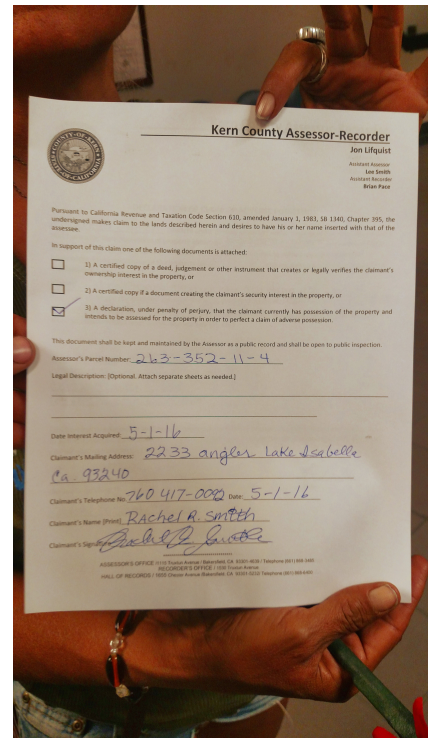
No. The Claimant must *physically live on the property* during this time, after which time they may request a hearing to show the judge *evidence that they have fulfilled requirements of the law (i.e. photo evidence, testimonies, proof of property tax receipts- see pages 231-243, etc.)* in order to have the Court grant them a *quiet title claim.*

What is A Quiet Title Claim?

“A proceeding to establish an individual's right to ownership of real property against one or more adverse claimants.”

An action to quiet title is a lawsuit filed to establish ownership of real property (*land and buildings affixed to land*). The plaintiff in a quiet title action seeks a court order that prevents respondent from making any subsequent claim to the property. Quiet title actions are necessary because real estate may change hands often, & it is not always easy to determine who has title to the property.


A quiet title suit is also called a suit to remove a cloud. A cloud is any claim or potential claim to ownership of the property³



Ms. Smith holding up her Claim- see EVENT #8


3 Free Legal Dictionary by FARLEX: <http://legal-dictionary.thefreedictionary.com/Quiet+Title+Action>

Page One of Mr. Byrd's Claim:



Kern County Assessor-Recorder

Jon Lifquist
Assistant Assessor
Lee Smith
Assistant Recorder
Brian Pace



DECLARATION OF CLAIM OF ADVERSE POSSESSION

I, Kevin Ray Byrd, declare under penalty of perjury under the laws of the State of California, that I currently have possession of property known as 3232 Commercial Ave. (a portion of) APN 263 751-03 002 and intend to be assessed for the property in order to perfect my claim of adverse possession. I took possession of the property on August 2015, and my possession of the property is of the following type:

Grand Residence helping a veteran through that country
Describe use (for example: personal residence, grazing of cattle, etc.) with will for PAC educational purposes

The legal action I have taken to further my claim of adverse possession include the following: (for example: hired an attorney, filed court action, hearing date set, etc.)

Action	Date
<u>Cleaned + sanitized worn down</u>	
<u>unpaid for house</u>	<u>August current</u>
<u>received blessing from neighbors who called</u>	<u>July 2015</u>
<u>parents own unsuitably</u>	

I understand this document shall be kept and maintained by the Assessor as a public record and shall be open to public inspection. I also understand the Assessor will send a copy of this declaration by certified mail to the current assessed owner(s) of this property.


Kevin Byrd
Claimant's Signature

Kevin Byrd
Claimant's Name (Print)

Sep 8 / 2015
Date

ASSESSOR'S OFFICE / 1114 Trustee Avenue / Bakersfield, CA 93301-4826 / Telephone (805) 868-3400
 RECORDER'S OFFICE / 1100 Trustee Avenue
 CLERK OF RECORDS / 1455 Chester Avenue / Bakersfield, CA 93301-0753 / Telephone (805) 868-4400

Page One of Mr. Byrd's Claim:

 **Kern County Assessor-Recorder**
Jon Lifquist
JON LIFQUIST
ASSESSOR-RECORDER
SEP 04 2015
RECEIVED
Assistant Assessor: Lee Smith
Assistant Recorder: Brian Pace

COPY

Pursuant to California Revenue and Taxation Code Section 620, amended January 1, 1983, SB 1340, Chapter 195, the undersigned makes claim to the lands described herein and desires to have his or her name inserted with that of the assessor.

In support of this claim one of the following documents is attached:

- 1) A certified copy of a deed, judgement or other instrument that creates or legally verifies the claimant's ownership interest in the property, or
- 2) A certified copy of a document creating the claimant's security interest in the property, or
- 3) A declaration, under penalty of perjury, that the claimant currently has possession of the property and intends to be assessed for the property in order to perfect a claim of adverse possession.

This document shall be kept and maintained by the Assessor as a public record and shall be open to public inspection.

Assessor's Parcel Number: 263-352-03-1

Legal Description: [Optional. Attach separate sheets as needed.]
For both personal use and public benefit, helping people

Date Interest Acquired: August 30, 2015

Claimant's Mailing Address: 2232 Commercial Ave
Lake Isabella, California 93240

Claimant's Telephone No: 415-798-7457 on September 4, 2015

Claimant's Name (Print): Kevin Ray Byrd

Claimant's Signature: Kevin Ray Byrd

ASSESSOR'S OFFICE / 1115 Truxtun Avenue / Bakersfield, CA 93301-4630 / Telephone (805) 838-3282
RECORDER'S OFFICE / 1102 Truxtun Avenue
HALL OF RECORDS / 1558 Chester Avenue / Bakersfield, CA 93311-6210 / Telephone (805) 838-3400