

REAL ESTATE



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Q | A neighboring property owner has recently built a structure that is encroaching upon my property. Can I be forced to sell that land to my neighbor?

A | In certain limited circumstances, yes. Courts may compel a property owner to sell land to a trespassing neighbor if five conditions exist. The neighbor must prove that: (1) the neighbor did not take a calculated risk, act in bad faith, or negligently, willfully or indifferently locate the encroaching structure; (2) the harm to you and the benefit of removal are both small; (3) the encroachment poses no real limitation on your current or future use of the property; (4) moving the encroaching structure is impractical; and (5) there is an enormous disparity in hardships between you and your neighbor. If these conditions may apply to your case, then you should carefully prepare and present evidence and arguments to protect your property.