

Critical Legal Cases for Chapter 48

48.2 Reversion: The school board wins. A reversion is a right of possession that returns to the grantor after the expiration of a limited or contingent event. In this case, the court held that the site was still being used for “school purposes” where the property was being used as a warehouse for storage of school supplies and materials. The court found that in order to accommodate changing school populations, storage facilities are necessary to house surplus equipment and supplies and to replace worn out and damaged items over time. Accordingly, the court held that having such equipment and supplies on hand clearly furthers the ultimate goal of educating students and that the property does not revert back to the Mahrenholzes. *Mahrenholz v. County Board of School Trustees of Lawrence County*, 188 Ill.App.3d 260, 544 N.E.2d 128, **Web** 1989 Ill. App. Lexis 1445 (Appellate Court of Illinois).

48.3 Adverse Possession: The Naabs win. In West Virginia the doctrine of adverse possession enables one who has been in possession of a piece of real property for more than ten years to bring an action asserting that he is now the owner of that piece of property even when title rests in another. One who asserts title under the doctrine of adverse possession must prove that (1) he has held the tract adversely; (2) the possession has been actual; (3) it has been open and notorious; (4) possession has been exclusive; (5) possession has been continuous; and (6) possession has been under color of title. In this case, the record revealed that the predecessors in title of both the Naabs and the Nolans accepted the erection of the concrete garage sometime before 1952. The record also indicated that when the Naabs’ predecessors built the garage no complaint was registered by the Nolans’ predecessors. Accordingly, because the owner of a burdened premises is bound by the actions or inactions of his predecessors in title, the court held that the evidence was sufficient to establish title by adverse possession in that portion of the Nolans’ lot occupied by the Naabs’ garage. *Naab v. Nolan*, 174 W. Va. 390, 327 S.E.2d 151, **Web** 1985 W.Va. Lexis 476 (Supreme Court of Appeals of West Virginia).