



RETURN OF REAL PROPERTY IN ATTEMPT TO ESTABLISH ADVERSE POSSESSION WITHOUT COLOR OF TITLE

Section 95.18, Florida Statutes

DR-452
R. 12/20
Rule 12D-16.002
F.A.C.
Effective 12/20

THIS RETURN DOES NOT CREATE ANY INTEREST ENFORCEABLE BY LAW IN THE DESCRIBED PROPERTY

For residential structures, a person who occupies or attempts to occupy a residential structure solely by claim of adverse possession prior to making a return, commits trespass under s. 810.08, F.S. A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession and offers the property for lease to another commits theft under s. 812.014, F.S.

COMPLETED BY ADVERSE POSSESSION CLAIMANT

The person claiming adverse possession (claimant) must file this return with the property appraiser in the county where the property is located as required in s. 95.18(1), F.S.

Name of claimant(s)			
Mailing address	Phone		
	Parcel ID, if available		
	<input type="checkbox"/> the property claimed is only a portion of this parcel ID		

Date of filing		Date claimant entered into possession of property	
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Legal description of property claimed Fields will expand online, or you may add pages.
Must be full and complete. If the property appraiser cannot identify the property from the legal description, you may be required to obtain a survey.

This property has been: (Check all that apply.)	<input type="checkbox"/> protected by substantial enclosure	<input type="checkbox"/> cultivated, maintained, or improved in a usual manner
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Describe your use of the property, in detail below.

Dates of payments of any outstanding taxes or liens levied by the state, county or municipality:

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING RETURN AND THAT THE FACTS STATED IN IT ARE TRUE AND CORRECT. I FURTHER ACKNOWLEDGE THAT THE RETURN DOES NOT CREATE ANY INTEREST ENFORCEABLE BY LAW IN THE DESCRIBED PROPERTY.

Signature of claimant(s)			
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COMPLETED BY PROPERTY APPRAISER

Received in the office of the property appraiser of _____ County, Florida, on _____.
A signed copy of this return has been delivered to the claimant(s). A copy will be sent to the owner of record.

Signature, property appraiser or deputy

Date

TO THE OWNER OF RECORD

A tax payment made by the owner of record before April 1 the year after the taxes were assessed will have priority over a payment made by the claimant. An adverse possession claim will be removed if the owner of record or tax collector furnishes a receipt to the property appraiser showing payment of taxes by the owner of record, during the period of the claim. (S. 95.18, F.S.)

This return is a public record and may be inspected by any person under s. 119.07, F.S.

MARSHA M. FAUX, CFA, ASA
POLK COUNTY PROPERTY APPRAISER
Adverse Possession Claimant Acknowledgement ([Florida Statute 95.18](#); DR-452)

FILING ADVERSE POSSESSION ON A PARCEL WITH A RESIDENCE

PARCEL#: _____ DATE OF ADVERSE POSSESSION CLAIM FORM: _____

ADVERSE POSSESSION CLAIMANT(S): _____

The Polk County Property Appraiser takes adverse possession claims on a parcel with a residence very seriously. If we cannot determine that you are either an heir or a partial interest owner of the property, your claim will be processed as required by [FS 95.18](#) and then turned over to the Polk County Sheriff's Office (PCSO) for investigation.

Please be sure to carefully review and follow [Florida Statute 95.18](#) in its entirety, including the paragraphs summarized below:

- (9) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession prior to completing the Adverse Possession Return as required commits trespass under s. [810.08](#).
- (10) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession and offers the property for lease to another commits theft under s. [812.014](#).

Remember, foreclosure of a home should not be a consideration for adverse possession. The legal titleholder still owns the home until the lending institution takes title through the foreclosure process.

If you have not followed [Florida Statute 95.18](#) in its entirety or if you are attempting to defraud or steal property from a Polk County property owner, there may be serious consequences as indicated by Sheriff Grady Judd:

"You just can't move into someone else's legally owned property. That's trespassing, burglary, and theft. There is no such thing as a free lunch, and we are going to arrest people who try this scam to steal homes in Polk County." –Sheriff Grady Judd


ACKNOWLEDGEMENT OF THE ADVERSE POSSESSION CLAIMANT

I have reviewed the above parcel number and certify that this is the same property on which I wish to file a Form for Return of Real Property in Attempt to Establish Adverse Possession without Color of Title as described in [Florida Statute 95.18](#).

Signature of Adverse Possession Claimant(s): _____ Date: _____

TO BE COMPLETED BY PROPERTY APPRAISER

This document received in the office of the Property Appraiser of Polk County for the purpose of advising an adverse possession claimant of possible consequences of occupying a residence without a legal claim.

Polk County Property Appraiser, Marsha Faux, CFA, ASA _____


Property Appraiser/Deputy: _____ Date: _____