

**THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

IN THE HIGH COURT OF JUSTICE

CLAIM NO: ANUHCV2014/0207

BETWEEN:

DEREK BROWNE

Claimant

AND

VERNON JOSEPH

Defendant

Appearances:

Mr. Lenworth Johnson and Ms. Latoya Letlow for the Claimant

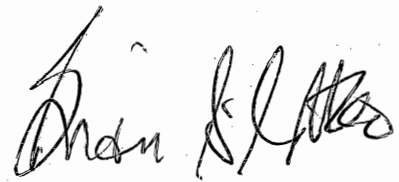
Mr. Lawrence Daniels and Ms. Marcelle Watts for the Defendant

2015: January 21

ORAL RULING

- [1] **Cottle, J.:** The action for trespass would not be statute barred because the acts of trespass by placing vehicles and chattels on the land constitute continuing trespass and a new cause of action arises from day to day.
- [2] Section 17 of the Act applies. The defendant has factual possession of the parcel of land on which the house sits. The combined effect of building the house and using the rest of the property to store a container and vehicles for more than 20 years is sufficient to demonstrate possession.

- [3] By his actions the defendant has demonstrated animus possiderdi. The parking of vehicles by itself may be equivocal but when combined with the house and the container and the protracted period of occupation this convinces me that he treated the property as his own to the exclusion of the world in general and the claimant in particular. He has both factual possession and the required mental element for more than the statutory period of twenty years.
- [4] Ruling for defendant. The claimant's title has been extinguished. Leave to appeal granted.

A handwritten signature in black ink, appearing to read 'Brian Cottle', with a stylized flourish at the end.

Brian Cottle
High Court Judge