

Title Disputes: Defenses and Strategies

A Practical Guidance® Practice Note by Michael R. O'Donnell and Keshav Agiwal,
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This practice note by Michael R. O'Donnell and Keshav Agiwal discusses the key defenses and strategies attorneys can use to evaluate, establish, and defend real property title in disputed ownership and boundary matters. It offers a practical framework that begins with chain-of-title review, emphasizing

the importance of tracing competing claims back to a common grantor and identifying the first controlling conveyance. The note proceeds to explain how courts interpret deed descriptions, including the hierarchy of calls, the significance of natural and artificial monuments, and the centerline presumption for roads and waterways. The authors also address recurring problems in title disputes, such as deeds that fail to close, gaps and gores, and the after-acquired title doctrine. When record title and deed construction do not resolve the dispute, the note turns to equitable doctrines including ratification, equitable subrogation, estoppel, estoppel by deed, and adverse possession, highlighting the evidence and legal elements counsel should consider. The note concludes with guidance on judicial orders establishing boundary lines, including when to seek them and what evidence courts evaluate. Attorneys handling complex title disputes will find a structured roadmap for analyzing claims and developing effective litigation strategies.

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Mike believes in working with his clients to set end goals at the inception of any matter and striving to get there in the most efficient manner without ever sacrificing the flexibility needed for changing circumstances.

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