

*Landers  
vs  
Postle*

DEFENDANT'S REQUESTED CHARGE NO.   4  

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Plaintiffs and the Defendant are coterminous landowners and if you are further reasonably satisfied that the Defendant held the actual possession of the disputed strip under a claim of right openly and exclusively for a continuous period of ten years, believing that he was holding up to the true line, then you should return a verdict for the Defendant.

*Jeffery J. Marshall  
Judge*

*Jif. Charge # 1*

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Plaintiffs and the Defendant are coterminous landowners and if you are further reasonably satisfied that the Defendant held the actual possession of the disputed strip under a claim of right openly and exclusively for a continuous period of ten years, believing that he was holding up to the true line, then you should return a verdict for the Defendant.

*Givens  
J. J. J. Maddeben  
Judge*

1.

If you find from the evidence that the actual fence line does not follow the description of the boundary line claimed by the Defendant you can not find that the true boundary line is described as claimed by the Defendant.

*Refused*  
*Deputy J. Marshall*  
*Judge*

If you are reasonably satisfied from all the evidence in this case that the Defendant did not consider the fence line as the true boundary line and that he did not have actual possession of all the lands to the fence line, you can not find that the fence line is the true boundary line.

*Referred  
J. J. G. M. M. M.  
Judge*

The mere use of lands without the claim of ownership against all  
others does not establish adverse possession.

Refused  
Jeffrey J. Madaleno  
Judge