

Ownership & Possession

Law

Two different things that are commonly conflated.

Possession

- Physical control plus intention
- Protected against wrongdoers
- A tenant possesses without owning
- Can ripen into title over time
- Evidence of ownership, not proof

Ownership

- The best right to the thing
- Includes the right to exclude and transfer
- Survives loss of possession
- Established by title or documents
- Can be split into lesser interests

THE DIFFERENCE THAT MATTERS

A finder has a better claim than everyone except the true owner.
Possession is a relative concept, not absolute.

Educational reference. Adverse possession allows long possession to defeat a paper title, on conditions that vary widely.