

## Deposition Outline/Questions of Mr. Lutz -- SAMPLE

- I. General/Overview Questions of Mr. Lutz (Starting open ended – Basic Structure)
  - A. How did you use Lot 19, 20, 21, and 22? (#1 – *actual entry and possession*; #2 – *open and notorious*, §40)
  - B. What was the use? (#1 – *actual entry and possession*; #2 – *open and notorious*, §40)
    1. Any fence or inclosure? (§ 40(1))
    2. Cultivation or improvement? (§ 40(2))
    3. How far was the use over your property line? (#2 – *open and notorious*)
      - a. Did anyone know you were using Lot 19, 20, 21, and 22? (#2 – *open and notorious*; #3 – *claim of right*)
  - C. Where was the use? (#1 – *possession*, §40)
  - D. When was the use? (#4 – *for the statutory period*, §34)
  - E. How often was the use? (#4 – *continuous*, §39)
  - F. Was anyone else using Lot 19, 20, 21, and 22? (#1 – *exclusivity*, §40)
    1. If so, when? (#4 – *for the statutory period*, §34)
  - G. How was the land around Lot 19, 20, 21, 22 used? (#1 – *possession and § 40(2)*)
  - H. Did you know the use was not on your property? (#3 – *claim of right*, §39)
    1. Did you intend to take possession of Lot 19, 20, 21, and 22? (#3 – *claim of right*)
    2. What about in earlier lawsuit? (#3 – *claim of right*)
    2. When did you know the use was/was not on your property? (#4 – *for statutory period*, §34)
  - I. Do you have a written instrument showing you have title to Lot 19, 20, 21, and 22 (*color of title?*, (§ 38))
    1. If so, did you use Lot 19, 20, 21, and 22 for “supply of fuel” or “fencing timber”? (§ 38(3))

[Then Rinse and Repeat These Topics for Each Usage We Know Of]

- II. Charlie’s “House”
- III. Garage “Encroachment”
- IV. Walking path
- V. Garden
- VI. Chicken Coups
- VII. Debris/Trash
- VIII. Trees/Logs
  
- IX. Mop Up -- Any Other Uses You Can Think Of?