

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*)
 - B. What was the use? (#1 – *actual entry and possession*; #2 – *open and notorious*)
 - 1. Any fence or inclosure? (§ 40(1))
 - 2. Cultivation or improvement? (§ 40(1))
 - 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*)
 - D. When was the use? (#4 – *for the statutory period*)
 - E. How often was the use? (#4 – *continuous*)
 - F. Was anyone else using Lot 19, 20, 21, and 22? (#1 – *exclusivity*)
 - 1. If so, when? (#4 – *for the statutory period*)
 - 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*)
 - 1. Did you intend to take possession of Lot 19, 20, 21, and 22? (#3 – *claim of right*)
 - 2. What about earlier lawsuit? (#3 – *claim of right*)
 - 2. When did you know was/was not on your property? (#4 – *for statutory period*)
 - I. Did you have a written instrument showing you have title to Lot 19, 20, 21, and 22 (*color of title*)?
 - 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?