



Northeast Missouri Ag Connection

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Adverse Possession – A Legal Issue You Must Know as a Landowner

Adverse possession, a legal doctrine, has been causing more problems in the last 10 years due to rising land values and the number of people buying land in rural areas.

The term **adverse possession** dates back to old English law which states, an individual who openly inhabits a piece of property for a period of time can claim that portion of land and receive a legal title to it. Following are several critical particulars specific to Missouri:

- (1) must be for a minimum of 10 years continuous by one owner
- (2) must use the property as their own {pasturing, haying, cutting the timber, etc.}
- (3) is hostile to the other owner ~ in conflict with the actual owner's title to the property
- (4) must be open and notorious so the actual owner has the chance to object or change it

Adverse possession becomes an issue when a new landowner takes over a property and does a survey. The survey (or possibly assessor's maps) shows the property line is off and the new landowner wants it moved. If the boundary fence has been there for 10 consecutive years, or more, and has met the four criteria mentioned above then it becomes very difficult or close to impossible for the new landowner to move the fence unless the neighbor(s) agree to it. A survey is the best estimate of a property line but is not the only evidence and can change slightly over time. The following example will help clarify:

Landowner A's property is surveyed and shows 5 feet of his land is fenced in by Landowner B's boundary fence. The fence has been in the same location for 25 years with landowner B pasturing the 5 feet and cutting trees off of it. The previous owner of A's land had never complained the fence was not on the property line or did anything about it. Can Landowner A move the fence to the surveyed property line if B does not want it moved?

The answer is Landowner A has two choices. He/she could go to court, however the survey will not change the fact of a fence being established for 25 years. Evidence Landowner B may present includes the current location of fence, trees cut and cows pastured. Additionally, neighbors could testify to the fence location and duration. Landowner A will likely be at a real disadvantage. The second choice for Landowner A is to get his/her neighbor to put a quitclaim deed on both properties that state: ***"I agree to give up whatever property interest I may have acquired under the doctrine of adverse possession and this existing fence is there by***

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convenience only; that this quitclaim deed shall be binding upon heirs, assigns and successors". Both landowners must agree to the quitclaim or it will not work.

For more information on adverse possession or other fence issues refer to guide G811, <http://extension.missouri.edu/p/G811>. Guide 810 at <http://extension.missouri.edu/p/G810> serves as an additional reference for Missouri Fence and Boundary Laws. For individual issues on adverse possession or the fence law, contact Joe Koenen by email: koenenj@missouri.edu or (660) 947-2705.

Source: *Joe Koenen, Ag Business Specialist*

Keys to Successful Alfalfa Production

Alfalfa is an important forage crop in Missouri. It can produce large quantities of high quality forage which can be made into hay or haylage or can be grazed by livestock.

There are several important factors to consider when planting and growing alfalfa.

- 1) Select a suitable site. Alfalfa requires a well-drained soil and a high level of fertility. Soils with high clay content hold water for long periods of time reducing the longevity of the stand.
- 2) Manage soil fertility. Adequate soil pH, phosphorus and potassium levels are necessary for establishment and must be maintained throughout the life of the stand. One pound of Boron per year should be added after the establishment year.
- 3) Select a well-adapted variety for the location. The National Alfalfa and Forage Alliance rate alfalfa varieties for fall dormancy, winter survival and pest resistance. Examples of pest resistance ratings include Fusarium wilt, Phytophthora root rot, aphids, and potato leafhoppers.
- 4) Inoculate seed at planting time. Using the proper rhizobia bacteria insures adequate development of nitrogen producing nodules on the roots.
- 5) Monitor the stand for pests. Monitor fields for the presence of alfalfa weevil, potato leafhopper and armyworms which can all have damaging effects on the yield during the growing season. As a stand thins over time, weed pressure can become a concern.
- 6) Protect plant crowns. Reseeding alfalfa into an existing alfalfa stand is usually unsuccessful; therefore, it is important to protect the crowns of

the established plants. This includes mowing at a height to prevent mechanical damage to the crown and maintain adequate potassium fertility which encourages the spread of the crowns.

- 7) Avoid fall harvest. Do not harvest between mid-September and late October. This allows the plants to store carbohydrates in the crown and roots which are needed for spring growth. A dormant harvest may be taken after November 1 if soils are well drained; however, removing vegetation leaves the plants unprotected and may increase chances of winter injury.

Source: *Valerie Tate, Agronomy Specialist*

Porcine Epidemic Diarrhea Virus

Porcine Epidemic Diarrhea Virus (PEDv) was first confirmed in the United States on May 17, 2013 and spread rapidly, reaching 199 sites in 13 states by the end of June, 2013. In just one year the number of cases reached 6,421. Since its introduction, PEDv has caused 8-10 million piglet deaths, a decrease in farrowing rate of 12.6%, and a 2.2% decrease in the number of pigs born alive.

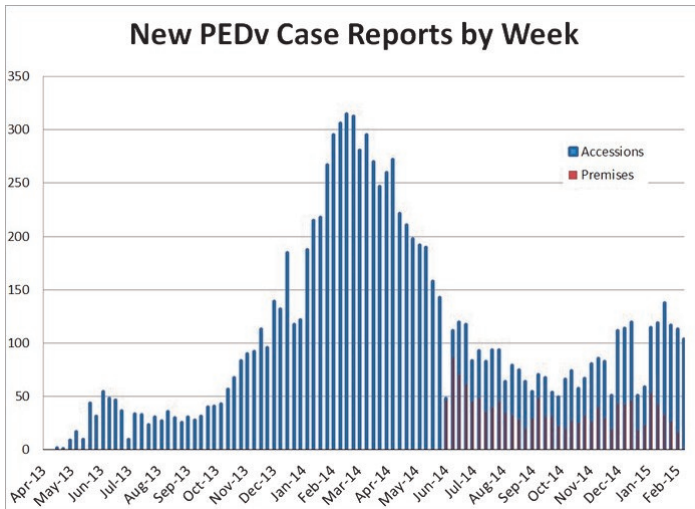
Porcine Epidemic Diarrhea is a reportable disease, even in show hogs. The disease is caused by a Coronavirus which is related to transmissible gastroenteritis (TGE) virus. Both viruses cause similar symptoms, including severe diarrhea in pigs of all ages, vomiting, and high mortality – almost 100% in preweaned pigs. PED virus is transmitted via oral contact with contaminated feces, with a short incubation period of 12-24 hours; however, pigs can shed the virus up to 3-4 weeks. Diagnosis of the virus requires sample submissions to a diagnostic laboratory. Replacement of lost fluids and possibly electrolytes is the recommended treatment as antibiotics are not effective against viruses.

The following graph shows the number of new PEDv cases by week. The peak of the outbreaks occurred during winter months in 2014. The virus does not survive well in warmer temperatures, resulting in a decrease of outbreaks during warmer weather. Outbreaks increased when cooler weather returned. The virus has been confirmed in 33 states with

Missouri ranked in the top 5 for number of positive cases.

Lawn and Gardening in April

– Tips For Success



Despite the harm caused by this virus, the pork industry has pulled together to find workable solutions. Biosecurity is key. Below are suggestions to help producers keep their facility clean from this virus.

- Consult your veterinarian regarding biosecurity procedures
- Clearly define the line of separation between the “clean” facility and the “dirty” outside
- Restrict the number of visitors and require down time
- Clean, disinfect, and dry all modes of transportation, instruments, clothing, and footwear
 - ◊ Disinfectants include: formalin, sodium carbonate, lipid solvents, and strong iodophors in phosphoric acid
- Isolate incoming replacement animals
- Take care of isolated animals as the last chore of the day; and wear different clothes and footwear

Porcine Epidemic Diarrhea Virus has been a devastating disease to the swine industry. Through communication, research, and biosecurity, the industry has seen a decrease in the number of new outbreaks. Please contact a veterinarian for more information about PEDv and the role each person plays in its control. More information can be found at American Association of Swine Veterinarians (www.aasv.org) and The National Pork Board (www.pork.org/pedv).

Source: Heather Smith, *Livestock Specialist*

April is a good time to work in the garden and finish sowing seeds of cool-season vegetables. Seeds can be sowed in raised beds, containers or directly in the garden. Cool-season vegetable transplants (broccoli, cabbage, Brussels sprouts and cauliflower) should also be planted in April. These vegetables grow best in cool weather, and if planted too late, they will bolt, or set flowers, before a head is produced.

In April, rhubarb puts on growth and asparagus spears start to emerge. Both may even be ready for a first harvest by the end of the month. Remove flower stalks that may develop on rhubarb plants. Winter mulch can be removed from strawberry plants to allow for new growth.

It is recommended to wait until May to plant warm-season vegetables such as tomatoes, peppers and squash. If planted this month, be prepared to cover them on cold nights or when temperatures drop below 32 degrees.

Eastern Tent Caterpillar, a pest native to North America, is often found in webs in the crotch angles of trees during spring where the larvae feed on the young, tender leaves. Prune out and destroy webs found on trees. Burning the tents with a torch is not recommended as it can damage the tree. Fruit trees begin blooming in April. Many fruit tree species are insect-pollinated. Help protect bees and other pollinators by not spraying insecticides on trees in bloom. Wait until petal fall to begin spraying for insect pests such as, the tarnished plant bug and stink bugs which cause dimpling in apples, and codling moth which causes “wormy” apples. Begin sprays of Streptomycin for cultivars of apples and pears susceptible to fireblight. Peach leaf curl may appear at the end of April on the leaves of peach trees. Leaves pucker, become blistered and may take on a reddish-pink appearance. Sprays for peach leaf curl should have been applied during the dormant season. Plant fruit trees as soon as the soil can be worked. Soak bare-root trees in water to rehydrate before planting.

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Remove winter mulches from roses and other perennial plants. Cut back dead foliage to allow new growth to form. Established roses can be fertilized when new growth reaches two inches in length. During a rainy spring, black spot will become a problem on roses. Use a fungicide to help control this fungal disease.

Ornamental trees and shrubs can be planted at this time. Place a ring of mulch around the tree while keeping it off the trunk. Mulching trees helps with weed control and prevents injury from weed trimmer and lawn mower damage. Keep young trees watered throughout the summer, especially in a time of drought. Spring flowering shrubs, like forsythia, typically bloom in April and should be pruned after flowering. The foliage of spring flowers such as daffodils and tulips, should be left on the plant until it turns yellow and dies. This allows the bulbs to store energy for next year's blooms.

A healthy lawn is one with few weeds, and thick, dense grass. April is the time to treat for crabgrass in lawns if it has been a problem. Crabgrass germinates annually from seed. Mow grass at a height of three inches promoting a healthier and denser lawn by shading out weeds. A yard with a lot of weeds often indicates low soil fertility. Take a soil test to determine the lawn's fertilizer needs. The proper soil pH makes it less desirable for weeds to grow. Seed bare spots by the end of April for best results. A fescue blend is recommended. Keep the seeded area watered as young grass seedlings will dry out quickly. It is best to wait until fall to establish a new lawn or to seed a large area of an existing lawn.

Source: *Jennifer Schutter, Horticulture Specialist.*