

SECTION 3 OF THE INDEPENDENT

THE NEIGHBORHOOD

HAIGHT ASHBURY

NOE/HAIGHT/CENTRAL EDITION

TUESDAY, JANUARY 12, 1999

Home becomes center of ownership claims



HOUSING: Members of Homes Not Jails (shown above) paid property taxes on this unit, home to squatters since 1993, and are going to court to petition for ownership. Neighbors complain of drug use and noise.

PHOTO:
RORY McNAMARA

Squatters arrested after announcing stake

By Michelle Terwilliger
NEIGHBORHOOD REPORTER

Call it a crackhouse, an abandoned property, a refuge for homeless people or a \$400,000 piece of real estate. Whatever you call it, the two-unit house on Page Street near Steiner Street is the stage for a rare legal battle concerning squatters' rights.

When the owner of the building, Alice Jones, died in January 1989, her heirs in Texas did not sell or rent out the two-story, white building with mustard trim.

The heirs did not do anything regarding Jones' estate because the will's named executor was ill.

Homes Not Jails, a local homeless advocacy group, saw the

empty house as an opportunity. In 1993, they broke into the building and put up some homeless people in the two flats there. They moved furniture in, hooked up the utilities and phone service, and changed the locks.

Five years later, the group has paid \$5,900 in property taxes dating back to 1993 on the building and is claiming in a legal complaint that their open possession of the place gives them rights to the house through "adverse possession" law.

Squatting by homeless

Ted Gullicksen, organizer of Homes Not Jails, said the group had placed homeless people in abandoned buildings throughout the city as a way of addressing the homeless problem.

"We've moved people into hundreds of buildings. A squat can last a couple of days to years," he said. "You just simply cannot abandon land when we have such a housing crisis and have people dying on the streets."

What made the squat at the 715-717 Page Street house different from other squats was that no owner kicked them out.

Over the past five years, twelve different people passed through the building, including a couple who gave birth and another couple with a three-year-old child. Some of the residents ended up gaining employment and moving on to stable rental situations, Gullicksen said.

But even Gullicksen admits that life at the Page Street house was hardly idyllic. While Homes Not

Jails' ground rules for the squatters prohibited drugs, alcohol, and violence, squatters often violated those rules. Gullicksen said there was little the organization could do about it.

"We have no police powers and no power to evict people," he said.

Former squatter Whirlwind Dreamer said that when he lived at the house from March 1995 to October 1997, there were squatters who kept the place up and wanted to live together cooperatively, but other squatters who used crack cocaine tore the community apart.

"I moved in because I wanted to continue the squat. Homes Not Jails were trying to be respon-

See **SQUATTERS**, page 28

SQUATTERS

continued from page 23

sible," he said. But without legal title, there was nothing the organization could do to force the drug users to leave, he said.

Hub of drug use, noise

Neighbors and Park Station police said the house was a hub for drug users and dealers, creating noise all hours of the night. Among the squatters was none other than Victor Willis, the policeman from the disco group, Village People, who real police were looking for on suspicion of drug use.

Jason Meikle, who lives next door to the building, said he heard the squatters screaming and fighting, heard people on the sidewalk making "cuckoo" bird calls to those inside, saw people jumping out the windows, and saw signs of drug activity.

"There's never been a time when it's been mellow," Meikle said. "Everyday people were coming in groups, making bird calls. We called them, 'crack calls.'"

Meikle's roommate, Scott Larson, said the house was out of control.

"It was just a crackhouse. There were people coming all hours of the night," Larson said.

Both neighbors said they wouldn't mind if Homes Not Jails acquired the property as long as the people who lived there weren't into drugs.

"We live in the city. We can tolerate loud music on weekends," Meikle said. "But this was just a bad environment. There were people falling out of windows."

Captain John Newlin of Park Station said of the house, "Over the past several years, we had numerous calls for services and complaints."

Obscure law to be used

But even with the problems, Homes Not Jails' attorney Rachel Lederman argued that the organization has title rights to the property.

"The law of adverse possession goes back to the 17th century. It's an established legal doctrine," Lederman said. "If a property is abandoned and then possessed and used for a period more than five years, the title goes to the adverse possessors. It has to be open and obvious and that's the case here."

However, little legal precedent exists in California for using adverse possession law to take over buildings in urban centers, according to civil attorney Terry M. Goldberg, of the Goldberg and Gage firm in Los Angeles.

Goldberg, who has taught college real estate courses, said that adverse possession cases tradi-

tionally involve rural land. However, he said that does not mean the law couldn't or shouldn't be applied in cases like the Page Street house.

"The theory behind a squatter taking over is that the person owning the property didn't care enough about checking the property to go onto the property and see what's taking place," Goldberg said. "The theory behind it is you have an obligation as a homeowner to take care of that property."

Group members arrested

San Francisco Police officials weren't impressed with the legal arguments. In November 1998 — before Homes Not Jails filed their adverse possession complaint — they threw the squatters out of the building.

Homes Not Jails returned with a different group of squatters to the property at the end of December, and held a press conference on January 1 to announce their legal claims to the house. The next day police raided the building, arresting four squatters and four others — including Gullicksen — on felony conspiracy to trespass charges and misdemeanor malicious mischief and trespassing charges.

The charges against all the suspects have been dropped except for misdemeanor charges on Gullicksen, who said that he was ordered by the court to stay 150 yards away from the Page Street house.

Original owners file claim

The family of the late Alice Jones refutes Homes Not Jails' claims on the property. The family's attorney, Ramond Howard, said from his office in Houston that the family will fight against the organization's claims.

"This nonprofit organization has proposed to take someone's property," Howard said. "It's a scheme. It's not a viable claim that they have."

Howard said he could not comment on whether Jones' heirs had paid property taxes on the building and whether they knew someone was living in the building.

Jones' heirs have another legal battle ahead of them concerning the Page Street house.

After police and code enforcement officials received several complaints about problems at the house, Deputy City Attorney Phoebe Libarle began looking for an owner to hold responsible.

City officials contacted Jones' heirs in Texas and explained the need to quickly probate her estate and to have someone take control of the house. Libarle said that after six months of trying to work with the family, she contacted the public administrator.

Because it had been eight years since Jones' death and her will had not yet gone to probate court,

Public Administrator Ricardo Hernandez stepped in last November to serve as executor of the estate.

As part of handling her estate, Hernandez planned to sell the house on Page Street. Jones' heirs responded by filing an application to revoke a court order allowing Hernandez to take care of the estate, stating that that they wanted to handle the matter themselves.

"They want to control their own property and their own estate," Howard said. "We don't need public officials to handle affairs that are private."

According to court records, Jones' sister, Fannie Wright, was named executor of her will, but Wright was ill and never informed of her sister's death. Wright died in 1992.

In February 1998, another sister, Ruby Shepard, declared her ownership of the Page Street house and gave San Francisco Police the authorization to remove any trespassers from the property.

Howard would not comment on why the family had not taken Jones' estate to probate court.

Homes Not Jails' legal complaint seeks to quiet both the public administrator's and family's claims on the property. Their case is scheduled to be heard in Superior Court on June 4. ■