**AFFIDAVIT OF USE AND POSSESSION**

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

Before me, the undersigned authority, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereafter, “Affiant”) who resides at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who, being of lawful age and being first duly sworn, upon their oath states the following:

I am personally familiar with and knowledgeable of the history of the use and possession of the following described land located in \_\_\_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_ (*enter legal description*):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(hereafter, the “Property”).

My personal knowledge is based upon the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereafter, “Owner”), whose address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is the present surface owner of the Property. Owner acquired the Property on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and since said date, Owner has been in open and notorious use and continuous possession of the Property. Owner’s possession and use has been hostile to the claims of all other parties and not interrupted by any suit of any kind or nature whatsoever. All of said facts of possession and use have been actual, visible, uninterrupted, hostile and notorious during this time period. To the best of my knowledge, Owner has also paid all real property taxes assessed against the Property since acquiring the Property.

Prior to Owner’s acquisition of the Property, based on my personal knowledge, Owner’s predecessors-in-title held the Property in open and notorious use and continuous possession, hostile to the claims of all other parties and not interrupted by any suit of any kind or nature whatsoever, for a period of time in excess of \_\_\_\_\_\_\_\_ years prior to the Owner’s acquisition of the Property.

To the best of my knowledge, I have never known any person to claim title to this land other than the Owner and the owners of record preceding the Owner. I have never heard of or seen any encroachment onto the Property by a neighbor or any other third party. The Owner and the record owners preceding the Owner have also had complete possession of the Property, and the Owner and the record owners preceding the Owner have always held their possession and ownership adverse to all others, and open for all to recognize. I am not aware of any dispute whatsoever concerning the Owner’s and the record owners preceding the Owner’s ownership and possession of the Property.

Further Affiant sayeth not.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, on this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

[SEAL] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

The foregoing instrument was acknowledged before me on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*enter name of Affiant*).

[SEAL] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_