

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Ernest Littleton ("*Affiant*") and affirms that he/she is acting as a duly elected Member of the Board of Directors and Officer for and on behalf of Addison Place Homeowners' Association, Inc., a Texas non-profit corporation ("*Association*").

Affiant has been delegated with the authority to declare the following statements and representations for and on behalf of the Association and is known to me to be the person whose name is subscribed to the foregoing instrument, and having by me duly sworn upon his/her oath, deposed and stated as follows:

My name is Ernest Littleton. I am a duly elected Member of the Board of Directors and currently serving as the President of the Board of Directors for the Association. I am over the age of twenty-one (21) years, have never been convicted of a crime involving moral turpitude and am fully authorized and competent by law to execute this Affidavit. I have personal knowledge of the facts set forth herein, concerning the open use, open occupation, and apparent ownership of the real property, including improvement thereon, and affirm that they are true and correct.

For over forty (40) years preceding the date of this Affidavit of Adverse Possession, I am familiar with the use, occupancy, and condition of the following nine (9) tracts of real property:

1. Block A, Split A, ACS 0.046 – Parking Area – of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
2. Block C, Split B, ACS 0.052 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
3. Block E, Split C, ACS 0.047 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas
4. Block F, Split D, ACS 0.045 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
5. Block F, Split E, ACS 0.049 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
6. Block G, Split F, ACS 0.055 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
7. Block H, Split G, ACS 0.096 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas;
8. Block J, Split H, ACS 0.054 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County, Texas; and
9. Block K, Split I, ACS 0.048 – Parking Area – of ADDISON PLACE, of ADDISON PLACE, A Revision of Bent Tree South, an Addition to the City of Addison, Texas, According to the map thereof recorded in Volume 3038, Page 1386, of the Map Records of Dallas County (hereinafter, collectively referred to as the "*Property*").

The Property is encumbered by the Declaration of Covenants, Conditions and Restrictions for Addison Place, filed on May 31,1991, recorded in Volume 82101, Page 2387, of the Official

Public Records of Dallas County, Texas, and the Restated Declaration of Covenants, Conditions and Restriction of Addison Place, filed on April 25, 1997, recorded in Volume 91106, Page 0370, of the Official Public Records of Dallas County, Texas, any other amendments and supplements thereto ("*Declaration*").

The Property has been, and is currently, under the direct control by the Association's Board of Directors who formally exercised management of the Association at the end of the Declarant control period, which ended on or about 1988.

There has been no other party in possession or control of the Property during the Association's possession and control of the Property.

Pursuant to Article VI, Section 6.2 of the Prior Declaration, the Declarant, as defined in the Declaration, had a contractual obligation to convey title to Common Properties or "open spaces" to the Association.

The Property has been continually maintained possessed by the Association for a period greater than 10 years. During that time, the Association has used, occupied, maintained, and claimed the Property by actual, exclusive, continuous, visible, and notorious possession, distinct and hostile to any claimants during the entire period of the Association's possession.

The Association's possession of the Property has been peaceable and undisturbed and under claim of title, and that no person or entity has ever, in any way, questioned the title or possession of the Property.

Specifically, the Association has engaged in the following acts of possession:

- 1) The Association has had and maintained control of the Property for approximately forty (40) years from February 9, 1982 to present date.

- 2) The Association has maintained the following improvements existing on the Property: the parking lot/spaces and other personal property located on the Property.
- 3) The Association has also maintained other improvements on the Property as follows: pool equipment, decking, and furniture; mow, trim, and maintain the landscape/greenbelt areas; and routine maintenance, repairs, and/or replacement to various personal property improvements.
- 4) The Association has purchased the requisite and necessary insurance policies for the Property.
- 5) The Association has paid all ad valorem taxes on the Property for approximately twenty-six (26) years.

This Affidavit of Adverse Possession is given to notify any and all interested parties that the Association has taken adverse possession of the Property and it is claiming rightful possession and ownership of the Property peaceably.

This Affidavit of Adverse Possession is further given for the purpose of clearing the record title to the Property and the facts as stated above are known by me to be true and correct and of my own personal knowledge.

"FURTHER AFFIANT SAYETH NOT."

**ADDISON PLACE
HOMEOWNERS' ASSOCIATION, INC.,
a Texas non-profit corporation**

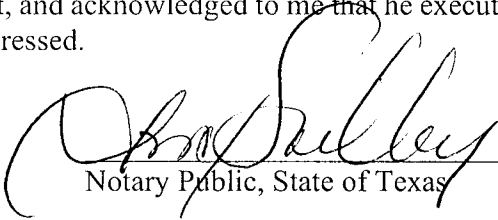


By: Ernest Littleton

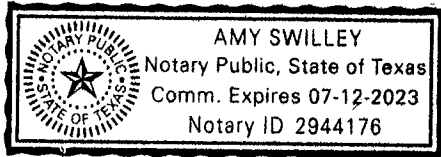
Its: President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this 27th day of October, 2022, personally appeared, Ernest Littleton, the duly-elected President of Addison Place Homeowners' Association, Inc., a Texas non-profit corporation, known to me to the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and the capacities therein expressed.



Notary Public, State of Texas



**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202200281452

eRecording - Real Property

Recorded On: October 27, 2022 03:10 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$42.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202200281452
Receipt Number: 20221027000602
Recorded Date/Time: October 27, 2022 03:10 PM
User: Lynn G
Station: CC53

Record and Return To:

CSC Global



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", is written over the printed name of John F. Warren.