

AFFIDAVIT OF ADVERSE POSSESSION

Regarding real property described as:

LAND SITUATED IN THE TOWNSHIP OF LAGRANGE, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, BLOCK 4, OF THE RECORDED PLAT OF KELSEY LAKE WOODS, UNIT NO. 1; THENCE S67°52'27"W, ALONG THE NORTH LINE OF FOREST LANE IN SAID PLAT, 53.81 FEET (PLATTED AS S68°30'W 53.7 FEET) TO THE NORTHEAST CORNER OF LOT 6, BLOCK 9, SAID PLAT; THENCE N78°25'13"W, ALONG THE NORTH LINE OF BLOCK 9, 131.75 FEET (PLATTED AS N79°W 132.00 FEET) TO THE NORTHWEST CORNER OF LOT 4, BLOCK 9 OF SAID PLAT; THENCE N13°00'09"E, ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 4, BLOCK 9, 34.61 FEET TO AN INTERMEDIATE TRAVERSE LINE ALONG A CHANNEL; THENCE THE FOLLOWING COURSES ALONG SAID TRAVERSE LINE: S84°57'34"E 28.46 FEET; N06°26'20"E 76.64 FEET; N12°09'10"W 71.40 FEET; N12°00'49"E 52.47 FEET; N24°28'28"E 35.83 FEET; N11°48'50"E 31.42 FEET; N01°47'54"W 17.05 FEET AND N09°22'44"W 26.74 FEET TO AN INTERMEDIATE TRAVERSE LINE ALONG KELSEY LAKE; THENCE N44°55'10"E, ALONG SAID LINE, 32.03 FEET; THENCE S24°39'22"E 316.01 FEET (RECORDED AS S24°07'15"E 316.32 FEET); THENCE S68°07'32"W (RECORDED AS S68°30'W) 35.88 FEET; THENCE S00°39'44"E (RECORDED AS S0°20'W) 63.65 FEET TO THE POINT OF BEGINNING. INCLUDING ALL LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE ALONG THE CHANNEL AND THE CENTERLINE OF SAID CHANNEL. ALSO INCLUDING ALL LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE OF KELSEY LAKE AND THE WATER'S EDGE OF KELSEY LAKE.

CONTAINING 0.97 ACRE, MORE OR LESS TO THE INTERMEDIATE TRAVERSE LINE. SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

(survey attached to this affidavit referred to as "Tract 1" and more commonly known as 23434 Lake Drive, Cassopolis MI 49031).

NOW COMES AFFIANTS,

LINDA SVOBODA, of 12998 Three Oaks Road, Sawyer, MI 49125, daughter of Robert Frank Svoboda Sr (deceased), and Betty L. Svoboda (deceased), and acting Trustee of the Robert Frank Svoboda Sr Trust dated October 31, 2018, AND,

ROBERT F. SVOBODA, JR., of 3657 Weechik Road, Sawyer, MI 49125, son of Robert Frank Svoboda Sr (deceased) and Betty L. Svoboda (deceased), AND,

RICHARD A. SVOBODA, of 4551 Rambo Road, Bridgeman MI 49106, son of Robert Frank Svoboda Sr (deceased) and Betty L. Svoboda (deceased).

AFFIANTS HEREBY ATTEST TO THE FOLLOWING:

- (1). That on May 6, 1967, Affiants' parents Robert Frank Svoboda Sr, a/k/a Robert F. Svoboda, and Betty L. Svoboda, husband and wife, purchased Lots FOUR (4), FIVE (5), and SIX (6), Block NINE (9), of Kelsey-Lake Woods, Unit No. 1, located in the Township of Lagrange, County of Cass, State of Michigan, and more commonly known as 23434 Lake Drive, Cassopolis MI 49031. That said purchase was conveyed by way of a Warranty Deed from Grantor Sue Ann Harris, a single woman, of RFD, Kelsey Lake, Cassopolis MI 49031, on May 6, 1967, and recorded at Liber 312 Page 707, on June 5, 1967, Cass County Register of Deeds.
- (2) Affiants' attest that the existing mobile home was located on premises at the time of Affiants' parents purchase and is presently located thereon at the time of the execution of this Affidavit. Further, that this mobile home is a 1959 Marlette, VIN #250XFB908 with Certificate #V771265 evidenced by the "Vehicle Certificate of Title" issued to "Robert Frank and Betty Louise Svoboda" on June 15, 1967, by the State of Michigan, a copy of which is attached hereto and incorporated herein as Exhibit "B".
- (3). That Affiants' parents, witnessed by the Affiants themselves, maintained a certain area of land located and described above located between Lots FOUR (4), FIVE (5), and SIX (6), Block NINE (9), of Kelsey-Lake Woods, Unit No. 1, and the open water's of Kelsey Lake, and more specifically described as "Tract 1: 0.97+/- Acre" on the attached Certificate of Survey attached hereto and incorporated herein, referenced as "Exhibit A", and hereinafter referred to in this Affidavit as "Tract 1".
- (4). That Affiants' parents possessed "Tract 1" as their own property, caused this area to be filled, brush removed, seeded with grass, kept mowed as a lawn, leaves raked, shoreline piers installed, boats moored in the channel, and boats stored on the dry land during winter. That Affiants' parents excavated and dug the channel located directly to the West of "Tract 1," and contiguous to "Tract 1" for the purpose of boat navigation. That Affiants' parents and family possessed the property as their own, and kept all others from it. That the spoils from the man-made channel were largely deposited on "Tract 1" to provide dry land between the platted lots and the open water's of Kelsey Lake. That this activity began shortly after Affiants' parents acquired the property and continued during the 1970s until completion in the early 1980s.
- (5). That Robert F. Svoboda Jr and Richard A. Svoboda witnessed first-hand and aided their parents to install a roadway located on "Tract 1", and cut brush for a roadway from the platted lots described above to the open water's of Kelsey Lake by filling including tons of gravel hauled from an off-site source were deposited onto "Tract 1" during the 1970s. This roadway was built with multiple truck loads of fill and gravel material. Thereafter, Robert F. Svoboda Jr and Richard A. Svoboda witnessed the excavation of the channel with the spoils also spread over "Tract 1" to further fill this area and creating more dry land which was completed in the early 1980s.
- (6). That on September 22, 1992, the abutting property owner directly to the East of "Tract 1", a John William Dryer and Patricia Ann Dryer, husband and wife, of 301 Miami Club Drive, Mishawaka, IN 46544, executed a Quit-Claim Deed, conveying all interest, if any, to Robert Svoboda and Betty Svoboda, husband and wife, on September 22, 1992, and recorded on April 16, 1993, at Liber 549 Page 174, Cass County Register of Deeds, for property described as "Lands located South of Kelsey Lake and West of a line" and this "line" is the East property line of "Tract 1".
- (7). That on September 17, 2019, Robert Frank Svoboda, Sr., employed Stephenson Land Surveying , at his personal cost, to survey "Tract 1".


(8). That on October 1, 2019, Robert F. Svoboda,[Sr], a single man (and survivor of Betty L. Svoboda), of 3955 Snow Road, Bridgeman, MI 49106, executed a Quit Claim Deed as both Grantor and Grantee for that area described as "Tract 1", and recorded it on October 8, 2019, at Liber 1161 Page 1629, Cass County Register of Deeds.

(9). That until the death of Robert F. Svoboda, Sr., a/k/a Robert Frank Svoboda Sr, on November 30, 2021, that affiants witnessed that "Tract 1" was adversely possessed by Affiants' father (and Affiants' mother previously), in a manner described above, and that this adverse possession was actual, hostile, visible, open, notorious, exclusive, continuous, and peaceful.

(10). That since the death of Robert F. Svoboda, Sr., a/k/a Robert Frank Svoboda Sr, that the affiants, have continued to adversely possessed the area of "Tract 1", in the same manner that is actual, hostile, visible, open, notorious, exclusive , continuous and peaceful.

(11). Further, that Affiants sayeth not.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of MARCH, 2022, and attest to this Affidavit

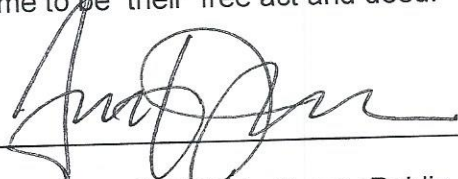

Linda Svoboda, Affiant and Trustee of the Robert Frank Svoboda Sr. Trust dated October 31, 2018,

STATE OF MICHIGAN }

} .ss

COUNTY OF BERRIEN }

On the 13th day of MARCH, 2022, before me, a Notary Public in and for said County, personally came the before named LINDA SVOBODA, known to me to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed.


THOMAS F. JERDON , Notary Public

Cass County, Michigan

My commission expires: July 6, 2026

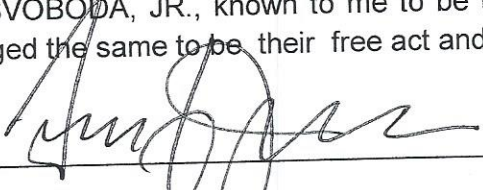
Acting in BERRIEN County, Michigan

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of MARCH, 2022, and attest to this Affidavit


Robert F. Svoboda, Jr. Affiant

STATE OF MICHIGAN }
COUNTY OF BERRIEN } .ss

On the 13th day of MARCH, 2022, before me, a Notary Public in and for said County, personally came the before named ROBERT F. SVOBODA, JR., known to me to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed.

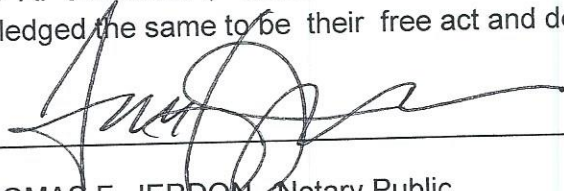

THOMAS F. JERDON, Notary Public
Cass County, Michigan
My commission expires: July 6, 2026
Acting in BERRIEN County, Michigan

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2022, and attest to this Affidavit


Richard A. Svoboda, Affiant

STATE OF MICHIGAN }
COUNTY OF BERRIEN } .ss

On the 13th day of MARCH, 2022, before me, a Notary Public in and for said County, personally came the before named RICHARD A. SVOBODA, known to me to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed.

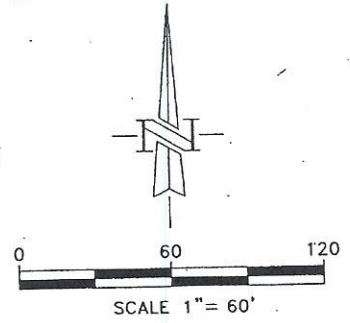
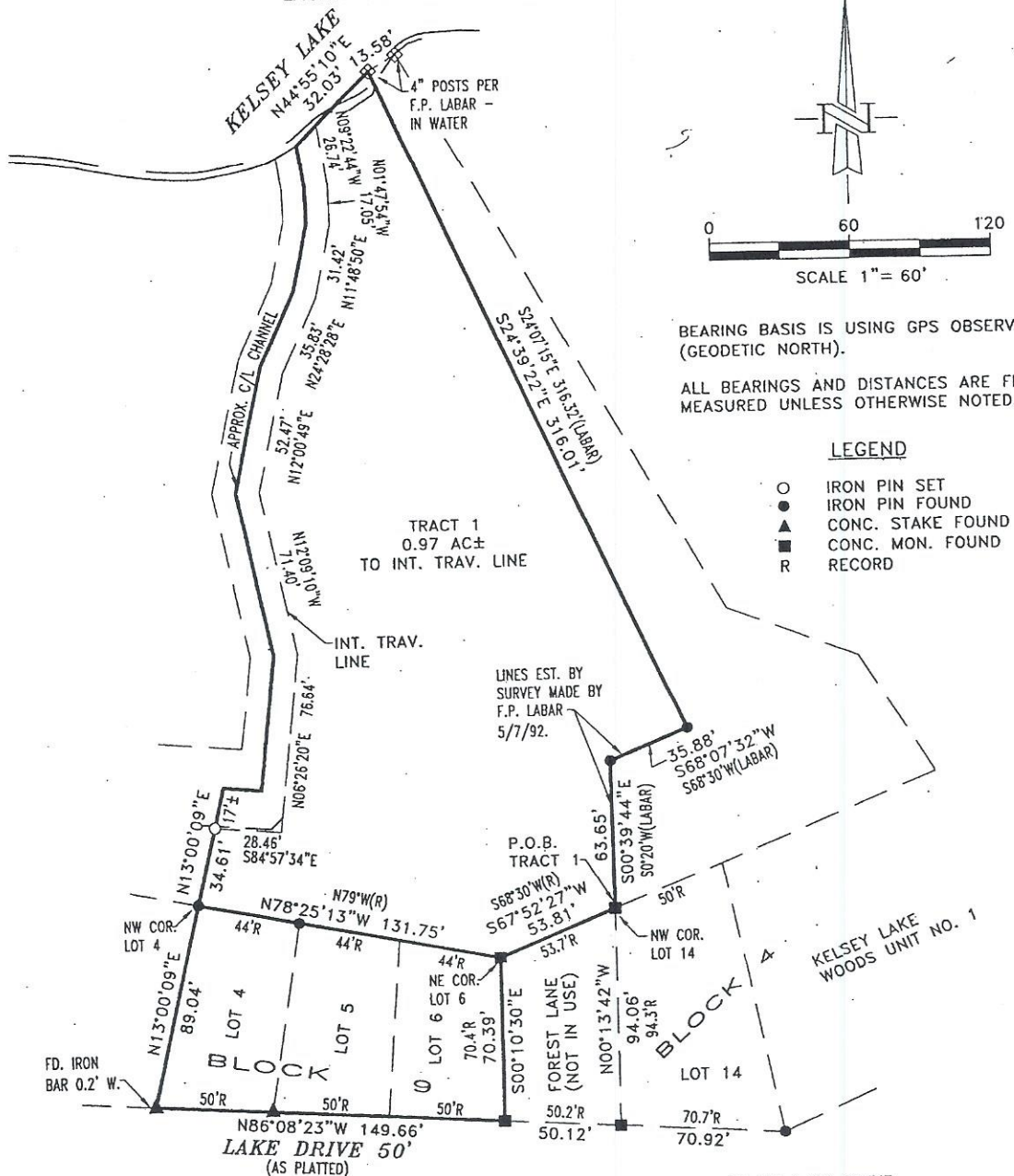

THOMAS F. JERDON, Notary Public
Cass County, Michigan
My commission expires: July 6, 2026
Acting in BERRIEN County, Michigan

Prepared by:
Linda Svoboda
12998 Three Oaks Road
Sawyer, MI 49125
(269)326-0969

When recorded return to:
Jerdon Real Estate, Inc.
32502 M-62 West
Dowagiac MI 49047

CERTIFICATE OF SURVEY

PART OF THE SOUTHEAST QUARTER OF SECTION 2,
LAGRANGE TOWNSHIP, CASS COUNTY, MICHIGAN



BEARING BASIS IS USING GPS OBSERVATIONS,
(GEODETIC NORTH).
ALL BEARINGS AND DISTANCES ARE FIELD
MEASURED UNLESS OTHERWISE NOTED.

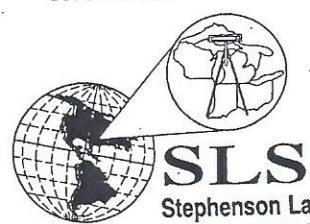
LEGEND

- IRON PIN SET
- IRON PIN FOUND
- ▲ CONC. STAKE FOUND
- CONC. MON. FOUND
- R RECORD

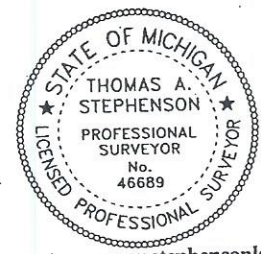
NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.
TO: JERDON REAL ESTATE

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN
HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT
SUPERVISION.

ADDRESS: 23434 LAKE DRIVE
DATE: 9/17/19
SCALE: 1" = 60'
DRAWN BY: DMS
TC: NONE



Thomas A. Stephenson
THOMAS A. STEPHENSON, PS #46689



www.stephensonls.com
email: sls@stephensonls.com

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KALAMAZOO BRANCH 251 N. Rose Street, Ste. 200 • Kalamazoo, Michigan 49007 • Office 269 / 649-1036 • Fax 269 / 445-8510
NILES AREA 269 / 687-1787 • Fax 269 / 445-8510
INDIANA AREA 574 / 389-1368 • Fax 269 / 445-8510

SHEET 1 OF 2 SHEETS
19421

CERTIFICATE OF SURVEY

TRACT 1:
DESCRIPTION OF LAND TO BE ACQUIRED:
LAND SITUATED IN THE TOWNSHIP OF LAGRANGE, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, BLOCK 4, OF THE RECORDED PLAT OF KELSEY LAKE WOODS, UNIT NO. 1; THENCE S67°52'27"W, ALONG THE NORTH LINE OF FOREST LANE IN SAID PLAT, 53.81 FEET (PLATTED AS S68°30'W 53.7 FEET) TO THE NORTHEAST CORNER OF LOT 6, BLOCK 9, SAID PLAT; THENCE N78°25'13"W, ALONG THE NORTH LINE OF BLOCK 9, 131.75 FEET (PLATTED AS N79°W 132.00 FEET) TO THE NORTHWEST CORNER OF LOT 4, BLOCK 9 OF SAID PLAT; THENCE N13°00'09"E, ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 4, BLOCK 9, 34.61 FEET TO AN INTERMEDIATE TRAVERSE LINE ALONG A CHANNEL; THENCE THE FOLLOWING COURSES ALONG SAID TRAVERSE LINE: S84°57'34"E 28.46 FEET; N06°26'20"E 76.64 FEET; N12°09'10"W 71.40 FEET; N12°00'49"E 52.47 FEET; N24°28'28"E 35.83 FEET; N11°48'50"E 31.42 FEET; N01°47'54"W 17.05 FEET AND N09°22'44"W 26.74 FEET TO AN INTERMEDIATE TRAVERSE LINE ALONG KELSEY LAKE; THENCE N44°55'10"E, ALONG SAID LINE, 32.03 FEET; THENCE S24°39'22"E 316.01 FEET (RECORDED AS S24°07'15"E 316.32 FEET); THENCE S68°07'32"W (RECORDED AS S68°30'W) 35.88 FEET; THENCE S00°39'44"E (RECORDED AS S0°20'W) 63.65 FEET TO THE POINT OF BEGINNING. INCLUDING ALL LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE ALONG THE CHANNEL AND THE CENTERLINE OF SAID CHANNEL. ALSO INCLUDING ALL LAND BETWEEN THE INTERMEDIATE TRAVERSE LINE OF KELSEY LAKE AND THE WATER'S EDGE OF KELSEY LAKE.

CONTAINING 0.97 ACRE, MORE OR LESS TO THE INTERMEDIATE TRAVERSE LINE. SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.
TO: JERDON REAL ESTATE

ADDRESS: 23434 LAKE DRIVE
DATE: 9/17/19
SCALE: 1" = 60'
DRAWN BY: DMS
TC: NONE

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.



Thomas A. Stephenson
THOMAS A. STEPHENSON, P.S. #46689



www.stephensonls.com
email: sls@stephensonls.com

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SHEET 2 OF 2 SHEETS
19421

EXHIBIT "B"

STATE OF MICHIGAN
DEPARTMENT OF STATE

Vehicle Certificate of Title

Year of Vehicle	1959	Make of Vehicle	MARLETTE	Vehicle Identification No.	250 XFB 908
	V771265	Weight		Style of Body	MBH M MOBILE HOME
Name	ROBERT FRANK + BETTY LOUISE SVOBODA				
Street Address	R # 1		FULL RIGHTS TO SURVIVOR		
City and State	BRIDGMEN, MICHIGAN			ZIP Code	49106
Filing Date 1st S. I.		2nd S. I.		License No.	no plates
1st Secured Party	None				
Street Address					
City and State					
2nd Secured Party and Address					
Signature of Owner	Robert Frank Svoboda Betty Louise Svoboda				

Issued June 15, 1967

I, James M. Hare, Secretary of State of the State of Michigan, do hereby certify that this vehicle certificate of title has been issued upon application to the person or persons named hereon who are, according to the official records of my office, the legally registered owner or owners of the vehicle described on this certificate of title. I further certify that the application for this certificate of title shows that at the date of its issuance the vehicle here described was subject to the encumbrances or security interests as shown hereon.

In witness whereof, I have hereunto affixed my signature.



James M. Hare
Secretary of State

IMPORTANT

ADDITIONAL FEE OF \$5.00 REQUIRED FOR FAILURE TO APPLY FOR NEW TITLE WITHIN 15 CALENDAR DAYS FROM DATE OF ASSIGNMENT ON REVERSE SIDE OR FROM DATE OF DELIVERY FROM MICHIGAN DEALER