

**AFFIDAVIT OF USE AND POSSESSION  
AND ADVERSE POSSESSION**

**STATE OF TEXAS**

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**COUNTY OF YOUNG**

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**KNOW ALL MEN BY THESE PRESENTS:**

BEFORE ME, the undersigned authority on this day personally appeared Wilma Jeanette York, known to me to be a credible person over the age of eighteen (18) years, who on her oath deposed and said as follows, to- wit:

"My full legal name is Wilma Jeanette York. On my oath I swear that the following statements are true and correct and that I am personally acquainted with the facts stated herein.

"My father, Virble Foster acquired the following described property by Warranty Deed dated May 7, 1949, and recorded in Volume 240, Page 535 of the Deed Records of Young County, Texas:

The Surface Estate of the North 15-3/4 acres of the East one-half of Texan Emigration and Land Company Survey No. 255, Abstract No. 502, Young County, Texas.

"Included with said 15-3/4 acres was the following described 5.49 acre tract of land which is contiguous to the 15-3/4 acres. The following described 5.49 acre tract was used and occupied by the Grantors, Mrs. Lillian Gibbs and Mrs. Arie Barnett prior to their conveyance to Virble Foster:

All that certain 5.49 acre tract or parcel of land situated in the Texan Emigration and Land Company Lands, Survey 255, Abstract Number 502, patent filed 04 January 1861, and recorded in volume 8 page 575 of the Deed Records of the County of Young, State of Texas, and being more particularly described as follows:

**COMMENCING** at a found iron rod with plastic cap marked "5560" at the intersection of Scobee Road and Pringle Rothell Road, said rod being the occupied northeast corner of the Texan Emigration and Land Company Lands, Survey 244, Abstract Number 491, same being the northwest corner of the Texan Emigration and Land Company Lands, Survey 245, Abstract Number 492, from said rod, a pipe fence corner post bears North 59 degrees 04 minutes West, a distance of 62.4 feet, and from said rod, a pipe fence corner post bears North 44 degrees 49 minutes East, a distance of 46.7 feet, and from said rod, another pipe fence corner post bears South 47 degrees 34 minutes East, a distance of 39.7 feet, and from said rod, a point in said Scobee Road at the occupied northeast corner of said Survey 245 bears North 89 degrees 39

minutes 26 seconds East, a distance of 3672.30 feet, from which a pipe fence corner post on the south side of said Scobee Road bears South 00 degrees 52 minutes East, a distance of 26.3 feet, said rod also having NAD83 NCTZ Grid Coordinates of N:7156112.00, E:1906107.10;

**THENCE:** South 00 degrees 26 minutes 33 seconds West, with the occupied east line of said Survey 244, and with the center of said Pringle Rothell Road, a distance of 3748.06 feet to a found iron rod with plastic cap marked "5560" for the occupied southeast corner of said Survey 244, same being the occupied northeast corner of said Survey 255;

**THENCE:** South 00 degrees 09 minutes 02 seconds East, with the east line of said Survey 255, a distance of 365.54 feet to a found iron rod with plastic cap marked "5560" for the **POINT OF BEGINNING** and the northeast corner of the tract being described herein, and rod being the remainder northeast corner of said Wood tract, and said rod being the southeast corner of Tract 2, a called 15.75 acre tract as described in partition deed to Virblene Talbott, filed 07 June 1995, and recorded in volume 312 page 314 of the Deed Records of said Young County;

**THENCE:** South 00 degrees 04 minutes 25 seconds East, with the east line of said Survey 255, a distance of 19.86 feet to a set 1/2 inch rebar for the remainder southeast corner of said Wood tract, same being the northeast corner of Tract 1, a called 140.11 acre tract as described in deed to Kenneth D. Rogers et ux, Brenda Rogers, filed 04 September 1997, and recorded in volume 832 page 522 of said deed records, from said rebar, a pipe fence corner post bears North 03 degrees East, a distance of 62.7 feet, and from said rebar, a found iron rod with plastic cap marked "5560" in True Road being the southeast corner of said Survey 255 bears South 00 degrees 04 minutes 42 seconds East, a distance of 3362.60 feet;

**THENCE:** With the apparent north line of said Rogers tract the following five (5) calls:

1. South 79 degrees 10 minutes 26 seconds West, a distance of 687.66 feet to a set 1/2 inch rebar,
2. South 77 degrees 09 minutes 17 seconds West, now along and near a barbed wire fence on the north side of an abandoned road, a distance of 140.57 feet to a set 1/2 inch rebar,
3. South 87 degrees 59 minutes 51 seconds West, with said fence, a distance of 69.16 feet to a set 1/2 inch rebar,
4. North 86 degrees 22 minutes 53 seconds West, a distance of 379.79 feet to a set 1/2 inch rebar,
5. North 84 degrees 41 minutes 11 seconds West, and passing at 574.13 feet a pipe fence corner post, and continuing on said course a total distance of 618.43 feet to a

set 1/2 inch rebar on the west line of said Survey 255 for the remainder southwest corner of said Wood tract, same being the northwest corner of said Rogers tract, from said rebar, a found iron rod with plastic cap marked "5560" at the intersection of Medlen Road and said True Road being the southwest corner of said Survey 255 bears South 00 degrees 00 minutes 07 seconds East, a distance of 3279.58 feet, and from said rebar a pipe fence corner post on the east side of said Medlen Road bears North 86 degrees 27 minutes West, a distance of 11.1 feet;

**THENCE:** North 00 degrees 09 minutes 15 seconds West, with the west line of said Survey 255, a distance of 103.83 feet to a found iron rod with plastic cap marked "5560" for the remainder northwest corner of said Wood tract, same being the southwest corner of said Talbott Tract 2, from said rod, a found iron rod with plastic cap marked "5560" being the northwest corner of said Survey 255 bears North 00 degrees 09 minutes 02 seconds West, a distance of 365.55 feet;

**THENCE:** South 89 degrees 55 minutes 38 seconds East, with the remainder north line of said Wood tract, and with the south line of said Talbott Tract 2, a distance of 1876.65 feet to the **POINT OF BEGINNING** and containing 5.49 acres of land. A plat of the survey of the described 5.49 acres is attached as Exhibit "A" to this Affidavit.

"The 15-3/4 acre tract and the 5.49 acre tract, being a total of 21.24 acres, are referred to below as 'the Property'. The Property including the 15-3/4 acre tract and the 5.49 acre tract are depicted in Exhibit "A" attached to this Affidavit.

"Virble Foster was my father and the father of my sister, Virblene Talbott. After Virble Foster bought the Property in 1949, he fenced all of the 21.24 acres which included the above described 5.49 acres. He began grazing livestock on the Property in 1949 and grazed livestock on the Property from 1949 until his death in 1970. He claimed exclusive possession and ownership of all of the Property, including the described 15-3/4 acres and 5.49 acres, from 1949 until his death on November 8, 1970. Virble Foster exclusively paid all ad valorem taxes on and against the Property from 1949 until his death in 1970.

"By his probated will Virble Foster devised the Property to his two children, being my sister, Virblene Talbott and myself, Wilma Jeanette York. My sister and I exclusively used, occupied and possessed the Property beginning in 1970 following my father's death until I conveyed all of my interest in the Property to my sister, Virblene Talbott, in the Partition Deed dated April 14, 1995 and recorded at Volume 811, Page 73 of the Deed Records of Young County, Texas. In the Partition Deed the Property was described as the 15-3/4 acre tract, but included all of the above described 21.24 acres of the Property.

"Beginning on April 14, 1995, and continuing through the present date, my sister, Virblene Talbott has exclusively maintained all of the Property as one tract, including both the 15-34 acres and the 5.49 acres in peaceable, open, notorious, continual and actual exclusive use, occupation and possession of the Property. She has kept the Property as one single tract to the exclusion of all other persons and her acts of ownership have been hostile and adverse to all other persons.

"No person including the owner of the tract adjoining the Property has made a claim of ownership on any part of the Property or disputed my sister's ownership of all of the Property since she acquired my interest in the Property in 1995. My sister, Virblene Talbott has leased the Property for grazing and agricultural usage to Phillip York and Kenneth Rogers since she acquired full ownership of the Property in 1995.

"Beginning in April 14, 1995, and continuing through the date of this affidavit, Virblene Talbott has maintained and kept sole and exclusive possession of the Property against all persons as the sole owner of the Property. Virblene Talbott has exclusively paid all of the ad valorem taxes on and against the Property during the period from April 14, 1995, through the current year.

"I am giving this Affidavit to help cure any defects in title to the Property described above and to establish the continual, open, and the hostile and adverse claims against any other persons who may claim an interest in the Property beginning in 1949 when Virble Foster acquired the 15-3/4 acres by deed along with the adjacent 5.49 acres and continuing until his death in 1970, then by my sister and myself, then by my sister, Virblene Talbott, alone when she acquired all of my interest in the Property in 1995.

"This Affidavit is made in order to establish as a matter of record the factual history of the continual adverse possession of the Property by Virble Foster beginning in 1949, by myself and my sister beginning in 1970, and by Virblene Talbott, alone beginning in 1995, and the continual repudiation of the interest of all other persons who may claim an interest in the Property and to put all others on notice of Virblene Talbott's open, exclusive, hostile and adverse claims to any others who may claim to own any interest in the Property.

"**FURTHER** the Affiant saith not."

**EXECUTED** on this 23<sup>rd</sup> day of June, 2025.

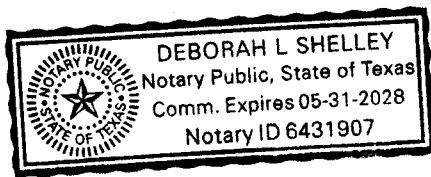
  
\_\_\_\_\_  
Wilma Jeanette York, Affiant

STATE OF TEXAS

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COUNTY OF YOUNG

**SWORN TO AND SUBSCRIBED and ACKNOWLEDGED BEFORE ME** by the  
said Wilma Jean York, on the 23<sup>rd</sup> day of June, 2025, to certify which witness my hand  
and seal of office.



*Deborah L. Shelley*  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**

Stephens & Myers, LLP  
515 Fourth Street  
Graham, Texas 76450

# Exhibit "A"

(To Affidavit of Use, Occupation and Possession)



TINA GILLIAM

COUNTY CLERK



516 Fourth Street  
Graham, Texas 76450

PHONE (940) 549-8432

**DO NOT DESTROY**  
**WARNING-THIS IS PART OF THE OFFICIAL RECORD**

INSTRUMENT NO. 25001761

FILED FOR RECORD ON: JUNE 27, 2025 02:06PM 6PGS \$45.00

SUBMITTER: STEPHENS & MYERS

RETURN TO:

STEPHENS & MYERS  
PICK UP

I hereby certify that this instrument was FILED in file number Sequence on the date and at the time stamped here on by me and was duly RECORDED in the Official Public Records of YOUNG COUNTY, TEXAS.

By:

A handwritten signature in cursive script that reads "Tina Gilliam".

Tina Gilliam, Young County Clerk

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY  
BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW