

and the southern half becomes 512 Trail Avenue.

Q. Now, in your opinion, did the owners of 510 Trail Avenue acquire adverse possession to the northern half of Lot 13?

A. I am sorry, I don't believe I am qualified to make that answer. What is apparent from all of this in respect to your question is that Mr. Schaeffer got two lots, 13 and 14, Block 6 and he cut each of those lots in half so that he now had four lots to sell, two 20' wide lots and two 20' wide lots. Within a relatively short time he made four conveyances out of those resulting four lots, by the description of the lot contained in the first conveyance for the northern half of Lot 14, it seems to be apparent that the person preparing that deed made a mistake because the description does not fit the north half of Lot 14, it fits the north half of Lot 13 and as a person who has examined many titles in my period of practice, it occurs to me that somebody put 14 where they should have put 13 and if they had put 13 instead of 14 we wouldn't be sitting here today because all four parcels would have been conveyed right. Now that is a judgment on my part, but it seems so apparent that that is right because if you trace the title as we have through these series of exhibits, the northern half of Lot 14 which was first conveyed with a description which won't fit the lot and coming down to today, the last three deeds describe it correctly by street address as the northern half of Lot 14 and you have a situation in my opinion, where the heirs of Marshall Schaeffer unknowingly come up with an interest in the title to the northern half of Lot 13, which I don't believe their father and grandfather intended them to have. I think he intended to convey all four parcels of those two lots and I think the people who took title to that northern half of Lot 14, which is incorrectly described, have, it appears all along possessed the northern half of Lot 13. I can't say about the earlier deeds, but certainly for the ones described with street addresses.

NO FURTHER EXAMINATION  
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