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MEMORANDUM

DATE: January 22, 2018
TO: Jim Dean – City of Marianna
RE: Proposed Property Donation from James B. and Mary F. Meyer

Jim:

I have reviewed the title work for Parcel ID# 03-4N-10-0346-0000-1522 and based upon that review have found that the title to the property is defective and requires corrective work in order to obtain marketable title to this property. It appears that this property described as:

Begin at NW corner of Lot 152, Plan of Marianna, thence run E 108 feet, 4 inches, thence S 90 feet, thence W 108 feet, 4 inches, thence N 90 feet to Point of Beginning

is subject to a competing chain of title for the same property and being identified as Parcel ID# 03-4N-10-0346-0000-1526, currently being taxed in the name of Alma Hayes and Larry Smith. The Hayes/Smith deed describes the same property as set forth in the Meyer tax deed. The property appraiser's map of these two parcels is incorrect in that it shows these two parcels as being beside one another but in fact the deeds describe the same property. In other words there is a competing claim of title for this same property and based upon my review it appears that the Hayes/Smith claim is a better claim than the Meyer claim.

In 1947 the predecessors in title to Hayes/Smith filed a quiet title action against Edith Milton, the predecessors in title to Meyer, and quieted title against Edith Milton, essentially voiding the Meyer chain of title. Thereafter in 1982 Edith Milton deeded this property to Charles Milton even though she didn't have a legal claim to this property. There were multiple deeds for this property recorded thereafter and eventually the property was sold for taxes and Mr. and Mrs. Meyer acquired this property by tax deed in 2008 from Phylis Ann Holland for failure to pay property taxes. In 2006 the City recorded a nuisance abatement Assessment Lien against Phylis Ann Holland and this property in the amount of \$5,154.42. It appears this lien remains outstanding.

Issues to resolve:

1. The Meyer property was acquired by tax deed which requires a quiet title action to remove any prior claims against the title to the property, inclusive of any prior owners or mortgage holders. No

quiet title action has been filed and since there are no improvements on the property the Meyer's cannot show that they have maintained possession and control for the requisite period of time against the prior owners to remove any claim by the prior owners. This is further complicated with the competing chain of title in favor of Hayes/Smith. Also, there was a prior mortgage recorded against Phylis Ann Holland in favor of CMH Homes, Inc dated November 8, 1999 and recorded in OR 754, P 808 that remains outstanding of record and would need to be addressed.

2. A survey would be required to determine what property Hayes/Smith is possessing versus the property claimed by Meyer and Hayes/Smith would need to execute a quit claim deed to the Meyer parcel in order to release any claim or interest they may have in and to the property now claimed by Meyer.

If you need copies of the recorded instruments please advise and I will be happy to forward to you. Please let me know how you would like to proceed with this matter.

Thanks

Clay