

No. Sketch File 54

Brewster County

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Date Filed: June 3, 1999

David Dewhurst, Commissioner

Douglas Howard

No. 3,149

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General Land Office

MARY DAN WILSON SANDLIN,  
ET AL.

vs.

THE STATE OF TEXAS,  
ET AL.

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IN THE EIGHTY-THIRD JUDICIAL  
DISTRICT COURT OF BREWSTER  
COUNTY, TEXAS

FINAL JUDGMENT

On the 28th day of October, 1963, at a regular term of this Court, came on to be heard the above entitled and numbered cause, wherein Mary Dan Wilson Sandlin, joined by her husband, Joe L. Sandlin, Ira Duke Wilson and William B. Wilson are plaintiffs and The State of Texas and Jerry Sadler, in his official capacity as Land Commissioner of the State of Texas, are defendants, all other defendants having been dismissed on motion of the plaintiffs and by order of the Court entered January 8, 1963, and came the plaintiffs by and through their attorney of record and announced ready for trial, and came the defendants by and through Honorable Milton Richardson, Assistant Attorney General of Texas, and Honorable C. L. Snow, Assistant Attorney General of Texas, and announced ready for trial, subject to their plea in abatement filed herein, and the Court proceeded to hear and consider such plea in abatement and, having determined that plaintiffs have obtained legislative permission to maintain this suit, overruled the defendants' plea in abatement, and no jury having been demanded by any party, the Court proceeded to hear the pleadings, the evidence and the argument of counsel and after hearing same and being of the opinion that the law and the facts are with the plaintiffs and that plaintiffs,

*Appeal No 5691, Court of Civil Appeals at El Paso, NO ERROR.  
15 Oct. 1965*

Sections 33, 34, 37 and 38, H. & T. C. Ry. Co., Block D-11, Brewster County, Texas, are superior and paramount in time and right to Section 62, Tex-Mex Ry. Co., Block 343, Brewster County, Texas, and that plaintiffs ought to have judgment for a recovery of the lands described in their Second Amended Original Petition, as well as of all portions of Section 62, Tex-Mex Ry. Co., Block 343, in conflict therewith;

It is accordingly ORDERED, ADJUDGED and DECREED by the Court that the plaintiffs, Mary Dan Wilson Sandlin, joined by her husband, Joe L. Sandlin, Ira Duke Wilson and William B. Wilson, do have and recover from the defendants, The State of Texas and Jerry Sadler, in his official capacity as Land Commissioner of the State of Texas, all right, title, interest and fee simple ownership in and to the following described lands in Brewster County, Texas:

<i>files</i>	Survey	Cert.	Block	Grantee	Acres
138088	34 ✓	1139	D-11	T. C. Ry. Co.	610.6
5-38467	33 ✓	1138	D-11	T. C. Ry. Co.	640
5-38469	37 ✓	1164	D-11	T. C. Ry. Co.	640
146754	W/2 of SW/4 38 ✓	1141	D-11	T. C. Ry. Co.	<u>60.3</u>

TOTAL 1,950.9

It is further ORDERED, ADJUDGED and DECREED by the Court that the said plaintiffs do have and recover from the said defendants all right, title, interest and fee simple ownership in and to any and all portions of Section 62, Tex-Mex. Ry. Co., Block 343, Brewster County, Texas, which may be in conflict on the ground with the sections in Block D-11 described above.

All costs of suit are hereby taxed against the defendants.