

SURVEYOR'S REPORT
WEST LIPAN AREA
ERATH CO., TEXAS

The following is a report of the results of a ground survey of an area in the northeast corner of Erath County. This area encompasses the BBB & C RR Co. Survey, J. S. Patterson Survey, Sections 44 & 45, T & NO RR Survey and the surveys to the east, south and west of the above named surveys. The purpose of this survey was to relocate sections 44 and 45, T & NO RR Surveys.

The data used to make the survey consisted of a detailed working sketch of the area prepared from patented, corrected, cancelled and abandoned field notes from the General Land Office files and also survey and deed notes from the County records.

The working sketch was prepared by plotting the senior surveys first. These are the surveys lying on the east, south and west of the area of interest. These surveys are part of a system of surveys made by G. B. Erath in May, 1851. This system is bounded on the east by the J. R. Loveridge Survey, (an abandoned survey) on the South by the Jane D. Lawrence Survey No. 26 and the R. B. Kimball Surveys No. 27, 28 and 29, and on the west by the J. A. Foster Survey. This system of surveys, which is all held together by adjonder calls and was surveyed at the same time by G. B. Erath, forms a "bracket", or "channel" the sides of which are called to be four miles (7600 varas) apart. This leaves an area apparently to be filled in by subsequent surveys, which is four miles wide east and west.

The J. R. Loveridge Survey, which forms the east boundary of the system, was abandoned and replaced by the G. Allen Survey, the I. Eaves Survey and the N. F. Roberts Survey. The N. F. Roberts Survey covers the south one third, and the Allen and Isaacs Surveys, the north two thirds of the Loveridge Survey, the witness trees called for at the southwest and southeast corners of the N. F. Roberts (surveyed by H. E. Bradford, May 13, 1857) are identical to those called for in the J. R. Loveridge Survey. The Loveridge Survey does not have any witness trees called for at its northeast and northwest corner, but call for the southeast and southwest corner, respectively, of the L. Winship Survey, an abandoned survey. The I. Eaves, which occupies most of the north part of the J. R. Loveridge Survey, calls for the "South N. E. Corner" of the G. C. Earnest Survey, at its northwest corner and the southwest corner of the Isaac Eaves Survey at its northeast corner. The G. C. Earnest and the Isaac Eaves Surveys in turn, have adjonder calls for the northwest corner and the northeast corner, respectively, of the J. R. Loveridge Survey. In other words, the G. Allen, I. Eaves and N. F. Roberts Surveys call to occupy all of the area within the J. R. Loveridge Survey.

The BBB & C. RR. Co. Survey was surveyed by N. McLennan, August 30, 1857 and it begins at the southwest corner of the J. R. Loveridge Survey, calls for the same witness trees, and then runs north 1900 varas where its northeast corner is common with the Southeast corner of the G. C. Earnest Survey, which was also surveyed by N. McLennan on August 30, 1857. The field notes of the BBB & C RR. Co. Survey, then call to go West 1900 varas to the southwest corner of the Earnest survey and calls for the same witness trees, and then to go south 1900 varas to the northwest corner of the J. D. Lawrence Survey No. 26 and calls for the Lawrence witness

trees at this corner, then east 1900 to the place of beginning. Creek crossings are called for on the north, west and south lines of the BBB & C. RR. Co. Survey.

The J. S. Patterson Survey is situated just west of the BBB & C. RR. Co. Survey. It was surveyed by N. McLennan on July 6, 1858. It begins at the southwest corner of the BBB & C. RR. Co. Survey and runs west along the north line of the R. B. Kimball Surveys, 2053 varas to a corner on the bank of a creek. It then runs north 2030 varas to a P. O. tree and east 2053 varas to the northwest corner of the BBB & C. RR. Co. Survey, where it calls for the same witness trees as said RR. Co. Survey. Then it runs south 2030 varas to its place of beginning. The west line of the BBB & C. RR. Co. Survey and the east line of the J. S. Patterson Survey, is a common line, and at its extremities, identical witness trees are called for, yet the Patterson Survey calls this line to be 2030 varas long while the BBB & C. RR. Co. Survey, calls it to be 1900 varas long. Since both these surveys were made by the same surveyor, the BBB & C. RR. Co. Survey on August 30, 1857 and Patterson Survey on July 6, 1858, it can be assumed that the surveyor made an error in the senior survey and correctly called this line to be 2030 varas long in the junior survey.

Sections 44 and 45, T & NO. RR. Co. Survey were surveyed by S. T. Evans on June 4, 1872. These two surveys were supposed to occupy the land remaining between the west line of the J. S. Patterson Survey and the east line of the J. S. Foster Survey. The Foster Survey being the western boundary of the "bracket" which was formed by the system of surveys surveyed by G. B. Erath in 1851. The total east-west distance remaining after the BBB & C. RR. Co. Survey and the J. S. Patterson Survey are inserted in the "bracket" is 3647 varas, which is the exact total of the east-west calls of section 44 and 45. Apparently Sections 44 and 45 are intended to cover all of the land between the Foster and Patterson Surveys.

Section 45, T & NO. RR. Co. Survey was patented on the original field notes. Section 44 was resurveyed into quarter sections and patents were issued on the new surveys. Section 44 was resurveyed into the following quarter sections:

NW/4, C. H. Bradford Survey, surveyed by J. H. Hyman, October 10, 1880. This survey begins at the northwest corner of Section 44 and has adjoinder calls for the west and north line of Section 44. This survey was not patented and was resurveyed by M. Johnstone on February 2, 1909, for R. S. McKinsey. A patent was issued to R. S. McKinsey on the survey made by Johnstone. Mr. Johnstone apparently found some of Mr. Hyman's lines and corners and used them in his survey. He also mentions, in a letter to the G. L. O. dated September 14, 1909, that he found some old marked lines on the west line of Section 44 and along the north line of section 45. The field notes of the R. S. McKinsey calls for bearing trees and lines marked by Hyman as well as for some old bearing trees and marked lines which are not identified clearly, but which seems to predate Hyman's work. Mr. Johnstone points out in his letter to the G. L. O. that it is his opinion that the west line of section 44 and the east line of section 45 is a common line.

SW/4, T. Bradford Survey, surveyed by M. L. Jackson, May 5, 1888. It begins at the southwest corner of Section 44. It does not have any other adjoinder calls and does not call for any witness trees.

SE/4, R. S. McKinsey Survey, surveyed by J. H. Hyman, October 15, 1880. It has adjoinder calls for the south and east line of Section 44.

NE/4, T. L. Dyer Survey, surveyed by M. Johnstone, February 21, 1909. This survey calls for adjoinder on all sides, except its south side.

I began my survey at the southwest corner of the T. L. Dyer Survey, which is the NE/4 of Section 44. This point is the intersection of the center line of a public road with the center line of a large ditch or ravine. I then surveyed around sections 44 and 45, making diligent searches for corners, marked lines and bearing trees. I did not find any of the bearings or corners called in the original field notes and therefore it became necessary to extend my survey to adjacent surveys in order to reconstruct the position of these adjoining surveys, and in this manner arrive at the location of Sections 44 and 45.

The senior surveys in this area are the surveys which make up the system of surveys described earlier in this report. The field notes of this system of surveys, contain numerous creek calls. I was able to correctly relocate this system by using these creek calls as locative calls. I also found what I believe to be the stump hole of the witness tree that stood at the southwest corner of the R. B. Kimball Survey No. 32. My survey reveals that this system contains an average excess of 5% in the call distances, or 95 varas per mile. This excess is quite uniformly distributed throughout the whole system.

The "bracket," mentioned earlier in this report, is actually over 400 varas longer than the call distance, so that it now becomes apparent that the surveys which are intended to fill in the void in the "bracket" must also contain this excess.

I found the true northeast corner of the J. S. Patterson Survey, where the snag of a 36" diameter post oak tree is still standing. This corner can be definitely verified by using creek calls on the north, south and east as locative calls. This corner is called to be 2030 varas north of the northeast corner of the R. B. Kimball Survey, No. 27. According to my survey, I find it to be 2,071.7 varas north and 257.2 varas east of the northeast corner of survey No. 27.

The surveys in the system I have just discussed, have been fenced and occupied for many years, and the fence lines and occupation lines fit my reconstructed location of these surveys very closely. The northeast corner of the J. S. Patterson Survey is fairly close to an ancient fence corner, with fences running north, east and west. The occupied southeast corner of the Patterson Survey, however, is located 206.5 varas east of the northeast corner of the R. B. Kimball Survey No. 27. These are called to be common corners. The occupied southwest corner of the J. S. Patterson Survey is located 2094 varas from its occupied southeast corner. The offset position of the Patterson Survey in relation to Survey No. 27, will add to the excess which already exists and compound the problem further.

The location of the four quarters of section 44 can be ascertained from the calls and the occupation lines, which have been recognized as being along the original survey lines for many, many years. The southwest corner of the T. L. Dyer Survey is identifiable and it verifies to a great degree the correctness of the position of the fence lines around section 44.

Having thus relocated the surveys to the west, south and east of section 45, T & NO. RR. Survey, it is apparent that most of the excess accumulated in this system of surveys is actually in section 45. Since the field notes of section 45 has adjoinder calls for the Foster Survey on the west and Section 44 on the east, it is apparent that section 45 will contain the excess and the calls for adjoinder will control its position.

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Section 45 contains 806.58 acres. I have monumented the corners of section 45 and prepared corrected field notes. I recommend that an application to purchase this excess acreage be filed with the General Land Office, along with my survey plat, report and field notes.

The accompanying working sketch and survey plat reflects the data I have outlined in this report and is intended to be a part of this report.

Respectfully submitted,

O. V. DiSciullo

O. V. DiSciullo,
Registered Public Surveyor
Licensed State Land Surveyor



File No. 33

ERATH County

Sketch File

Filed Feb 8 1963

JERRY SADLER, Com'r

By [Signature]

Surveyors Report
Re re-survey of
T. & N. O. Ry. Sec. 44 & 45
on County line
By O. V. Di Sciullo
Dec. 1962

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