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To: Hon. Garry Mauro
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REPORT OF SURVEY OF THE JAMES GUEST SURVEY LOCATED PARTLY IN ERATH AND EASTLAND COUNTIES, TEXAS PURSUANT TO PURCHASE OF EXCESS LAND BY MRS. JEANNE FRANKS SHUFFIELD.

In July of 1989 I was employed by Mrs. Shuffield as a Licensed State Land Surveyor to check a survey of her ranch located partly in Erath and Eastland Counties, Texas, This survey had been performed by Mr. Eugene Angermann a Registered Public Surveyor of Stephenville, Texas in order for her to consumate a sale of this property to others. His survey consisted mostly of a survey of her property as found occupied by fence lines and showed that she had under fence 1100.58 acres of land instead of approximately 978 acres that was conveyed to her by deed. At any rate the proposed sale was postponed until this problem could be worked out or rectified.

A working sketch from the General Land Office was prepared for me on August 4th of 1989 by Joan Kilpatrick of your office which was received shortly thereafter which indicated that there was some problem with the distance calls along the south line of the James Guest Survey of which Mrs. Shuffield owns all of and a line of the W. Rucker Survey of a difference of 195 varas. I had already discovered this in my search of the deed records of Erath and Eastland County. This indicated that the Guest Survey either had a lot of excess in it or that there was a vacant strip along its entire west line. At that time I was instructed to make an on the ground survey and see if it could be determined which the case might be.

My field work began at the SW corner of the Jethro R. Bancroft Survey since I had made a survey of a small tract out of its SW corner several years ago for a sale by Mrs. Imogene Waynick and knew where this corner was and felt like it was properly established.

From that point a measurement was made south along a fence line along the east line of the John W. Johnson Survey, and found one of the original bearing trees still standing, a 24" blackjack tree at a fence corner, The SE corner of the J. W. Johnson was reestablished from this tree.

From the SE corner of the J. W. Johnson Survey, a line was run generally west along a fence line along its occupied south line to the occupied NW corner of the Francis Lubbock Survey and NE corner of the James Guest Survey. The only corner marking called for at this corner were two blackjack tree bearings with nothing being set for corner material. There is several blackjack and post oak trees along or near fence lines at this corner, All of land around this corner is either in coastal field or has been cleared in last 20 years with no large

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trees remaining. This is very sandy land with no visible rocks so I suppose that is reason that original Surveyors did not set a stone mound at this corner. A 12" blackjack was found and tied and after other survey corners were recovered was later accepted as being the remaining original bearing tree with other one having been destroyed by clearing.

From this point a line was measured south along a fence line along the occupied east line of the James Guest Survey to a fence corner at the occupied SW corner of the Lubbock Survey, At this point a stone mound was found about 1 vara northwest. This stone mound appears to be very old and well embedded and also no other stones were found in the vicinity, This corner was accepted as being the SW corner of the Lubbock Survey and a corner of the Guest Survey.

From this point a line was measured east along a fence line to a fence corner at an external corner the Guest Survey, also an external corner of the W. Rucker Survey. A well embedded stone mound was found about 2 varas southwest of the fence corner with no evidence of other stones found in the vicinity, this corner as accepted as being a corner of the Guest Survey.

From this point a line was measured south along a fence line along Mrs. Shuffields property line to a fence corner at her SE corner. At this point a stone mound was found about 1 1/2 varas south of the fence corner. This stone mound was accepted as being corner called for at the SE corner of the Guest Survey and inner corner of the W. Rucker Survey.

From this point a line was measured west along a fence line along the south line of the Shuffield property, at 389.94 varas a stone mound was found on top of a high hill about 1 varas south of fence line, at 500 varas, (patent call for south line of Guest Survey) a search was made for the stone mound called for at this point. This is in a low area and there are no evidence of any rocks whatever, line was continued on to 695 varas which is the call given along this line by McKewn Johnson on his survey of the Rucker Survey made in September of 1906 in which he claims to be at the SW corner of the James Guest Survey, He does not say whether he found the stone mound or not. No evidence was found of a stone mound at this point.

From this point the survey was continued west along the south fence line of Mrs. Shuffields property across the Rucker Survey an additional 195 varas to a set stone in mound found near a fence corner at the SE corner of the O. A. Smith Survey which Mrs. Shuffield owns. This mound is on the side of a mountain as called for in its field notes and after other corners were found was accepted as being the SE corner of the Smith Survey.

From this point a line was run generally west along the fence line along the south line of the Mrs. Shuffield property to a fence corner post near the SW corner of the O. A. Smith Survey. At this point a stone mound was found about 1 vara southwest of the fence corner post. After comparing distance call from stone found at the SE corner of O. A. Smith Survey this stone mound was accepted as being the SW corner

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of the O. A. Smith Survey.

From this point a line was run north along a fence line along a west line of the Mrs. Shuffield tract out of the O. A. Smith Survey 980 varas. This corner was called to be in a deep gorge with a live oak bearing 1 vara east and another one 12 varas east. A 12" live oak tree in fence line on east bank of deep ravine was found with no evidence of second live oak being found. This live oak was later accepted as being the original bearing. A corner was later placed 1 vara west of this live oak after other corners were found. It is believed that this live oak is the same bearing called for in field notes of a survey made by G. K. Dakan of the NW quarter of Section 32 on January 1, 1890 which would place his NE corner 11 varas S 39 W from this tree being on the west side of the ravine and approximately in the old fence running west. All this means is that the NW corner of O. A. Smith as surveyed by E. G. Kingburg in 1919 and the NE corner NW quarter of Section 32 probable do not join. There are quite a few ash trees along the ravine but none of any size at this time. Probable the one called for by Dakan has washed away since it had to be on the edge of the ravine.

A line was measured West from this point approximately along remains of an old fence line (mostly just a few old posts remaining) 950 varas to the NW corner of Section 32 and the SW corner of Section 31, at approximately 961 varas a stone mound was found approximately 4 varas west of a fence corner post. No evidence of post oak bearing called for by Dakan in his survey of the NW quarter of Section 32 or J. S. Bedford in his resurvey of Section 31 on December 5, 1873 were found. This area has been cleared within the last 30 years and they probable destroyed. This stone mound was accepted as locating the SW corner of Section 31.

A line was then measured north generally along a fenced property line, at approximately 147 varas an iron rod was found at a fence corner (deed corner), this is according to the Jimmy Little deed is the SE corner of the John Foster Survey, continuing at approximately 884 varas pass an iron rod at a fence corner post set by Angermann in his fence line survey of Mrs. Shuffields property and the occupied NW corner of the Woodrow Hallmark tract out of Section 31, continuing at 1720 varas a search was made for the NE corner of the John Foster Survey, this being the NE corner of the Jimmy Little property and at an ell corner of a County Road. At that point a large double blackjack tree was found which is believed to be the original bearing called for at the NE corner of the John Foster and SE corner of the J. T. Guest Survey, an iron rod was later set 11 varas S 02 E from this blackjack to mark the SE corner of J. T. Guest Survey and NE corner of the John Foster Survey, A line was continued on north about 200 varas from this corner and a search was made for the NW corner of Section 31 and inner corner of the J. T. Guest Survey with no evidence of original bearing trees found, This is northwest of the County Road and has been cleared within the last few years.

A line was measured East from this point 140 varas and a search was made for the blazed post oak called for at an external corner of Section 31, This point is southeast of the County Road and has also

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been cleared within the last few years. Three or four deep depressions were found which could be the former location of this blazed post oak.

A stone mound was called for at the NE corner of the J. T. Guest Survey by J. P. Davidson in his survey of October 3, 1878 which was also at a deed corner which is called to be north of the blazed post oak. I proceeded to this corner and found an old stone mound about 2 1/2 varas northwest of a fence corner. From this stone mound a line was run south partly along a fence line, at 605 varas one of the deep depression previously found at a point approximately 123 varas east of the point where the NW corner of NW corner of Section 31 is thought to be located and it fits very well with fence lines extended from the north. It is believed that this depression is probable in the same position as the blazed post oak although it is about 82 varas to far south to fit the 523 vara call along the east line of the J. T. Guest Survey.

From this point a line was run south call distance of 190 varas to the approximate location of the SW corner of the John W. Johnson Survey with no evidence of the original mesquite bearing being found, This is in the vicinity of a large stock pond and most of trees have been cleared.

Returning to the NW corner of the F. R. Lubbock Survey and NE corner of the James Guest Survey a line was run west along the approximate south line of the John W. Johnson Survey, at 305 varas a search was made for the post oak tree called for at the NW corner of the James Guest Survey with nothing being found, continuing on west in all 500 varas (substractive distance of 695 varas called for in line of Rucker Survey and 500 varas called for on south line of Guest Survey) a search was made for the bearing tree called for at the NE corner of Section 31, Guest Survey calls for a post oak in the east line of Section 31 at this point. All of land south of fence has been cleared with heavy post oak lying to the north of fence. Several large post oak trees in fence was examined and a deep depression to the south of fence was located. After considerable calculations and platting it was later decided that this depression was probable in position of the original bearing tree called for at the NE corner of Section 31, another dead post oak with old iron rod set at base in fence line was found and could possible be the tree called for at the NW corner of the Guest Survey. I did not except this dead live oak as being a valid corner and instead located the NE corner of Section 31 at a point 15 varas N 10 W from old stump hole found. It is believed that this would correctly locate the NE corner of Section 31 and since the NW corner of corner of the James Guest Survey calls to be in the east line of Section 31 this would also located the NW corner of the James Guest Survey.

The SW corner of the John W. Johnson Survey and inner corner of Section 31 was located by a west projection of the SE corner of the John W. Johnson Survey over the NE corner of Section 31 and a projection south of the Stone mound at the NE corner of J. T. Guest Survey and stump hole accepted for blazed post oak. At this time I do not see any other method of establishing it although there is about 30 varas east-west excess and about 40 varas north-south excess.

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After calculations were made to determine the approximate location of the NE corner of the O. A. Smith Survey and the SE corner of Section 31, a corner was established for the NE corner of the O. A. Smith Survey, although E. G. Kingburg did not call to actually set a corner at this point my corner seems to fit his description very well since it is on the west shoulder and near point of two deep ravines. The SE corner of Section 31 did not call to have a corner set but was calculated set 195 varas East of the NE corner of the O. A. Jones Survey which is the call on the north end of the W. Rucker Survey which calls to join the SE corner of Section 31 and the NE corner of Section 32 of the which the O. A. Smith Survey is the NE quarter of Section 32.

The SW corner of the James Guest Survey and inner corner of the W. Rucker Survey was established on a staight line between the SE corner of the O. A. Smith Survey and the stone mound previously found at the SE corner of the James Guest Survey at a point 195 varas east of the SE corner of the O. A. Smith Survey which leaves a distance of approximately 692 varas along the south line of the Guest Survey and agrees very well with the 695 vara call in the W. Rucker Survey for this line, The Rucker Survey calls to tie to the SW corner of the James Guest Survey at this point.

If the distance ties along the line of the Rucker Survey that joins the south line of the James Guest Survey and calls to join is held and the call for the NW corner of the James Guest Survey to be in the east line of Section 31 then there would not be any vacant land but would be excess in the James Guest Survey. The James Guest Survey would contain 248.58 acres instead of its patent call of 160 acres. My construction and all of corners either found are set are shown on the accompanying plat and field notes and I believe that all of remaining corner evidence of these various surveys have been recovered.

Wayne Graham

Wayne Graham
Licensed State Land Surveyor
September 5, 1989

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Surveyor's Report: Plat of resurvey of James Guest, Mil. P-2551

Erath County

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GARRY MAURO, Com'r

By Douglas Howard

Wayne Graham
Licensed State Land Surveyor
September 5, 1989

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