

WAYNE GRAHAM

1100 East Washington

Registered Professional Land Surveyor

Stephenville, Texas 76401

817 965-5489

PAGE 1

WAYNE GRAHAM
LICENSED STATE LAND SURVEYOR
1100 EAST WASHINGTON
STEPHENVILLE, TEXAS 76401
817-965-5489

TO: HON GARRY MAURO
COMMISSIONER
GENERAL LAND OFFICE
AUSTIN, TEXAS 78701

REPORT OF A RESURVEY OF THE J. H. YARBROUGH SURVEY, ABSTRACT NO. 897,
MIL P-2741, ERATH COUNTY, TEXAS PURSUANT OF TO PURCHASE OF EXCESS
LAND.

In the early part of 1992, I was contacted by Mr. Wayne Weaver, a
Attorney here in Stephenville in regard to making a Resurvey of the J.
H. Yarbrough 160 acre Survey which appeared to contain about 20 acres
of excess land according to a survey made Mr. McKewn Johnstone, Erath
County Surveyor on December 11, 1908. This survey was reflected in
deeds from that date but was apparently not recorded in Deed Records
or Survey Records of Erath County, Texas.

After checking Deed Records and Patent Records of Erath County, a
working sketch was ordered from the General Land Office on May 5,
1992, which was prepared by Joan Kilpatrick of your office and
completed June 17, 1992 and mailed to my office.

My company has done considerable work in this area while staking gas
well locations on this property and most of other properties in the
area for Hexagon Oil and Gas, Inc. and so were fairly familiar with
the local property lines. At least we knew what gate to use, who the
land owners are and foremen of the various properties. Most of them
were very cooperative in allowing access to different places we needed
to be to look for and tie corners.

The J. H. Yarbrough Survey was made by J. H. Hyman on January 16,
1877, the R. L. Creswell Survey to its west was made by J. H. Hyman on
February, 20, 1878 and the John E. Smith Survey to the west of the
Creswell was made by McKewn Johnstone on December 11, 1908 which is
same date that he made a resurvey of the J. H. Yarbrough Survey in
which he increased the north-south distances of this survey from 806
varas to 910 varas and creating or showing the land to contain excess.

The three Claiborne Wright Surveys to the south of the J. H. Yarbrough
Survey was made by George B. Erath on September 4 and 6th of 1851 and
my experience with his surveys is that they all contain considerable
excess. The Taylor Wycarver Survey to the east of the J. H. Yarbrough
Survey was made by J. H. Hyman on November 28, 1884, the W. L.
Yarbrough Survey to the north of the J. H. Yarbrough was again made by
McKewn Johnstone on December 11, 1908, the John E. Smith 51.4 acre
Survey, the John E. Smith 160.9 acre Survey and the Sam C. Pemberton
481.8 acre Survey were all made by Hal C. Doremus on January 30, 1934
in which he more or less accepted old fence lines in place at that
time in making his survey. most of these fences can still be located
on the ground. Apparently he did not set many corners on the ground
but only called for intersection of fence lines. This was the easy
part since most of these old fences can still be seen.

File No. Sketch File 35

Erath County
Report: Resurvey Mil P-2741, J.H. Yarbrough

Filed Oct. 29 19 92

GARRY MAURO, Com'r

By Douglas Howard

CONTINUED ON PAGE 2

Counter 22324

We began our survey at a stone mound found at the SE corner of the S. P. R. Co. Survey 53 which Doremus found in 1934 and proceeded north along the remains of the old fence line, at 49 varas a search was made for the stone at the SW corner of the Pemberton with a couple of loose rocks being found but not in place, continuing north along the old fence, a new fence is approximately parallel and about 1 vara east of this old fence, to the NW corner of the Pemberton Survey, from remains of the old fence this places the corner 1.08 varas west of the present fence corner of the Roger Mize Ranch. The Mize Ranch has been cleared everywhere possible and planted with various improved grasses and most of interior corners have been destroyed. It is believed this is the same corner used by Doremus, Doremus called this distance to be 1916.7 varas and by our measurement it is 1919.2 varas.

From this point a line was continued East along the north line of the Pemberton Survey to its NE corner, being at the intersection of the old fence lines. This would place this corner about 1 vara east of the present fence corner. The North line of the Pemberton was called to be 1928.8 varas and by measurement it is 1924.94 varas. It is believed that this relocates the NE corner of the Pemberton and probable the NW corner of the W. L. Yarbrough although no evidence of the live oak bearings called for by Johnstone were found. Again this is within the Mize Ranch and had been cleared with only small second growth trees remaining. This old north-south fence relocates the east lines of the Sam Pemberton Survey and the John E. Smith 160.9 acre Survey.

Returning to the stone mound at the SE corner of Section 53, a line was run South, the call distance of 103.5 varas to the SW corner of the John Smith 54.1 acre Survey. This would place the corner in the middle of a dry creek with no evidence of the two post oak bearing trees called for found.

From this point survey proceeded east along the south line of the Smith 54.1 acre survey, this being along a fence line, actually two fences, a newer fence about 1 to 2 varas north of the remains of an old fence, at 467.17 varas pass a new fence corner post near the the NE corner of the John E. Smith Survey, A-1428 and the NW corner of the R. L. Creswell Survey. The stone called for at this point was not found in place, a pipeline has been laid fairly recently just south of the fence and land to north is in improved pasture, so it probable no longer exists. About 100 feet of the fence to the south has been replaced by a pipeline crossing, fence from there on south is very old.

Continuing east along the north line of the Creswell Survey, still with two fences, at about 1133 varas to a fence corner and loose well shaped stone at the occupied NE corner of the Creswell Survey. At this point a 24" post oak tree was found about 3 varas southwest of the fence corner, Patent call for this line is 1120 varas, the call in the Clyde Sweeney deed is 1140 varas. After other ties were made this tree was accepted as being the original bearing tree and corner was established 1 vara, N 80 deg. E from it.

File No. Sketch File 35

Erath County
Report: Resurvey Mil. P. 2741, J. H. Yarbrough

Filed Oct. 29 19 92

GARRY MAURO, Com'r

By Douglas Howard

CONTINUED ON PAGE 3

File No. Sketch File 35

Erath County
Report: Resurvey Mil-P-2741, J.H. Yarbrough

Filed Oct. 29 19 92

GARRY MAURO, Com'r

By Douglas Howard

PAGE 3 OF SURVEY REPORT

Continuing east along the oldest fence line, at approximately 323 varas and about 2 varas east of a fence from the north, a set stone was found at the SE corner of the Mize Ranch and the SW corner of a 2 1/2 tract off the east end of the Smith 54.1 acre survey, continuing along a very old fence line, at 396 varas pass end of fence, in all about 417 varas to a point at the approximate location of the SE corner of Smith 54.1 acre survey and easterly SW corner of the W. L. Yarbrough Survey. None of the field notes of either of these surveys called to have placed any monuments at this corner. Location is on top of the beginning of a fairly steep hill and probable would still be in place if anything was ever set.

Continuing on bearing of N 89 deg. 30' E (call on south line of W. L. Yarbrough Survey, at 705 varas to the SE corner of the W. L. Yarbrough Survey, at this point a search was made for the stone mound called for by McKewn Johnstone. A well embedded stone mound was found about 3 varas west of a north-south property line fence, This is on west side of a fairly steep hillside sloping down to west and fits his description very well. After later ties and calculation were made, this stone mound was accepted as being the westerly SE corner of the W. H. Yarbrough Survey and NE corner of the J. H. Yarbrough Survey.

From this point a traverse was run northerly along the fence line along the southerly east line of the W. L. Yarbrough Survey and west line of the T. Wyscarver Survey, the call distance of 822 varas to the NW corner of the Wyscarver Survey, McKewn Johnstone field notes of the Yarbrough places this corner in a deep ravine, fences at this corner seem to be placed in a convenience position because of the ravine and not intended to be on the property line. After tying in ravine and fence to the east along the occupied north line of the Wyscarver, an intersection was made with this fence and the centerline of the ravine to determine the position of this corner. Distance calculated back to the stone mound at the SE corner of the Yarbrough Survey was calculated to be 814.95 varas instead of 822 varas. This line is along and over some very rough terrain and would have been very hard to chain very accurately in 1908. Distance east along the fence line to a fence corner at the occupied NE corner of the Wyscarver Survey and northerly SE corner of the Yarbrough, this is a property corner of the Mize Ranch and A. W. Raspberry property is 564.17 varas, Patent call on the Wyscarver is 509 varas, Patent call on the Yarbrough is 560 varas and deed call on the north line of the Raspberry 81.5 acre tract is 568 varas. No attempt was made to verify if this fence corner is in the true position of the corners of the four surveys it marks.

Returning to the stone mound found at the southerly SE corner of the W. L. Yarbrough Survey, a line was run south down the existing fence line approximately 940 varas to the vicinity of the SE corner of the J. H. Yarbrough Survey, this distance having been determined from our previous work in staking of gas wells. At this point a fairly good looking stone mound was found about 1/2 varas west of the fence. Since this is the only evidence of any significant stones in the vicinity, it was decided this is probably the stone mound called for at this corner. Area is fairly flat and sandy with no evidence of other rocks nearby.

CONTINUED ON PAGE 4

Counter 22328

File No. Sketch File 35

Erath County

Report: Resurvey Mil. P-2741, J.H. Yarbrough

Filed Oct. 29 19 92

PAGE 4 OF SURVEY REPORT

GARRY MAURO, Com'r

By Douglas Howard

Continuing west along the south line of the J. H. Yarbrough Survey and north line of the C. Wright Survey, A-842, at about 1140 varas pass a fence corner at the occupied SE corner of the Sweeney 183.76 acre tract out of the Creswell Survey, continuing in all about 1461 varas to the NW corner of the Wright Survey. After much digging, the remains of a post oak stump was recovered and what is believed to be the stump hole of the other post oak called to be N 21 deg. E, (N 11 E) 18 varas from this corner. After all field work and calculations were completed this corner was established 12 varas, S 52 deg. W from the post oak stump, This places this corner on the west side of an abandoned lane and about 1/2 varas south of the east-west fence along the south line of the Sweeney property.

After all calculations were completed it was decided to establish the SW corner of the J. H. Yarbrough Survey and SE corner of the R. R. Creswell on a straight line between the NW corner of the C. Wright Survey and the stone mound found at the SE corner of the J. H. Yarbrough Survey and at a point S 00 deg. 00' E from the stone reset at the NW corner of the Yarbrough Survey and NE corner of the Creswell Survey, This places this corner approximately 2 varas southeast of the fence corner at its occupied corner.

The north line of the J. H. Yarbrough Survey was originally established by having a slight bend at the SE corner of the John E. Smith Survey. After Mr. Roy Molina of your Survey Division reviewed the plat and field notes he pointed out that the Smith Survey was junior to all the other surveys and that the north line of the J. H. Yarbrough Survey would have to be a straight line. After reviewing the working sketch I would have to agree. This will cause about a 2 vara overlap at this point, At least there is not a gap so that some Attorney will get excited in the future.

It is believed that all remaining evidence of the corners called for in the field notes of the J. H. Yarbrough Survey and adjoining surveys has been found and shown on the accompanying plat and field notes and that the Yarbrough Survey is excessive as shown.

The tie to U. S. G. S. Station McClenny has been corrected to sea level and scale, all other distances shown are ground measurements.

Several other corners and ties are shown on the plat which do not have any bearing on this survey but information and ties that were gathered over a period of years that I felt might be good to put on record at this time so later surveyors might have access.

Wayne Graham

Wayne Graham

Licensed State Land Surveyor

July 15th, 1992.

Revised October 26th, 1992



Counter 22329