

December 26, 1994

Mr. Garry Mauro
Commissioner, General Land Office
Austin, Texas

Dear Mr. Mauro:

This report is about an area located approximately 20 miles N74W from Pearsall, the county seat of Frio County and lies along the Frio-Zavala county line. Several surveys established in 1874 and 1875 by Theo Melms and fill-in surveys established in 1907 and 1908 by A. L. Curtis are considered here. The Melms surveys are the H. F. Callahan Survey 1943/56; a block of G. H. & H. R. R. Co. Surveys (Nos. 151, 152, 295, 296, 371 and 372); the James G. Wright Survey 150 1/4 and the Hooper and Wade Survey 2. The Curtis surveys are the NW Part of the J. Loxton Survey 8, the T. F. Pinckney Survey 9 and the C. M. Slaughter Survey 10.

Melms set out Survey 1943 in October, 1874 marking only its southeast corner by witness trees which have since been destroyed. The south line and the southeast corner of Survey 1943 is referred to by old surveys and deeds. The G. H. & H. Block was surveyed in December, 1874 and was marked only by stakes and mounds. Melms surveyed the Hooper and Wade Survey 2 in 1875 along with other Hooper and Wade Surveys. Hooper and Wade Surveys 1 and 3 were corrected in 1953 and are marked by concrete monuments. Curtis surveyed and corrected Surveys 8, 9 and 10 in 1907 and 1908. Surveys 2 and 10 are tied together by a persimmon witness tree which is now destroyed.

The G. W. T. and P. R. R. Block A2 joining this area to the west calls for several marked corners. The use of any evidence that could be recovered from this area in relocating the west lines of Surveys 152, 371 and 1943 was rejected because of Block A2's junior status and the apparent mistaking of an old fence (existing prior to 1912) along the west line of Surveys 152, 371 as their west line. Part of this fence remains in its original position as noted on the plat. Refer to Benson's corrected notes and report of G. W. T. & P. Survey 40.

Because of the lack of original evidence, old deeds (refer to list at end of report), original field book data from 1912, parol evidence and the following existing evidence was used to reconstruct the area:

- 1). occupied boundary fence along the west line of Survey 1943, north and south of Highway 57
- 2). fence along the east line of Survey 1943 north of Highway 57
- 3). occupied fence through Survey 1943 south of Highway 57 and its south corner
- 4). occupied fence along part of the southwest line of

See Rld. Sk. 26

File No. Sk. File 22 County

Area approximately 20 miles N.74°W on Frio-Zavala Co. line

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By GARRY MAURO, Com'r
Douglas Howard

- 5). Survey 150 1/4 said by deeds to be the survey line occupied fence along the northwest line of Survey 150 1/4
- 6). occupied fence along the north line of Surveys 371 372 and south line of the McCurry Survey 2
- 7). occupied fence along the west line of Survey 371
- 8). occupied fence and concrete monuments set for corners of Hooper and Wade Surveys 1 and 3 in 1953
- 9). occupied fence claimed by parol evidence to be the east line of Survey 295

The property southeast and southwest of the Jacob Quick Survey, excluding the G. W. T. & P. R. R. Co. Block was owned by the W. F. Slaughter Estate and was partitioned in 1908, Deed 1. One partition line began on the west line of and 1900 varas N5W from the southwest corner of Survey 1943. It then went N85E, parallel to the south line of Survey 1943, to intersect the southwest line of Survey 150 1/4. This line now lies partly within Highway 57 which incorporated the old Pearsall-Batesville Road within its boundaries. Frio County Commissioners Court Minutes, Road Minutes and Deed Records are silent regarding the location of this partition line with respect to these Roads. Lacking evidence to the contrary, this partition line was constructed as the centerline of the Pearsall-Batesville Road and Highway 57 with projections at the easterly and westerly ends to intersect the occupied line along the southwest line of Survey 150 1/4 and the west line of Survey 1943, respectively.

A. C. Sweeney resurveyed an area in 1912 to reestablish the perimeter corners of Surveys 151, 152, 371 and 372. His work commenced in the G. W. T. & P. block and proceeded to the above-mentioned partition corner located in the west line of Survey 1943. From this corner, his field book basically states: N85E, at 1340 varas pass county line, at 2382 varas property corner, at 3470 varas the southwest corner of Survey 296 located 1900 varas N5W from the southeast corner of Survey 1943. Thence N5W, at 1422 varas pass the northeast corner of Survey 1943, at 1914 varas pass the southwest corner of Survey 8, at 2391 varas pass the southwest corner of Survey 9, at 3332 varas placed a pile of rock for the southeast corner of Survey 372, at 3477 varas cross the southwest line of Survey 150 1/4, at 3756 varas cross the northwest line of Survey 150 1/4, at 5242 varas placed pile of rock for the northeast corner of Survey 372. Thence S85W, at 1667 cross county line, at 1910 varas placed pile of rock for the northwest corner of Survey 372, at 3820 varas placed pile of rock for the northwest corner of Survey 371, at 3977 varas to fence. This fence may have been in place in 1895 and was misinterpreted by Meyers as being the west line of Surveys 152 and 371 or was built on Meyers presumed location of Surveys 152 and 371.

Because several deeds call for the partition line to cut off the southerly 1900 varas of Survey 1943, the north line of Survey 1943 was constructed 1411.7 varas northerly of and parallel to the

partition line. Duplicating the Sweeney survey using the centerline and projected points from above yields the following: Beginning at an iron pin set in the occupied west line of Survey 1943 at its intersection with the prolongation of said centerline. Then going N 84 deg 32 min 25 sec E, with said partition line, at 2379.06 varas pass its intersection with a projection of an occupied fence from the south, the common line of Deeds 2 and 3, 1908.26 varas N 05 deg 04 min 18 sec W from an occupied fence corner, at 3472.32 varas to the east line of Survey 1943, a projection of a fence from the north. Then going N 05 deg 19 min 57 sec W, following the fence on the west line of Survey 296, at 1411.70 varas pass the northeast corner of Survey 1943, an iron pin set in said fence, at 1900.8 varas, called distance, pass the northwest corner of Survey 296, at 3463.34 varas pass the projection of the occupied southwest line of Survey 150 1/4, at 3744.64 varas pass a point in an occupied fence for the northwest line of Survey 150 1/4 and at 5228.58 varas to an iron pin set in a fence, the occupied common line of the W. M. McCurry Survey 2 and Survey 372 from which the east corner of Survey 2, an iron pin set near an occupied corner, bears 94.43 varas N 84 deg 39 min 14 sec E. Then turning S 84 deg 39 min 14 sec W, following an occupied fence, at 1907.83 varas pass the northwest corner of Survey 372 and 3815.66 varas to an occupied corner for the northwest corner of Survey 371. Deed 4 calls this line 3910 varas from the east corner of McCurry Survey 2. Then turning S 05 deg 18 min 50 sec E, following the occupied fence of Survey 371, at 1829.14 varas pass an occupied corner, the southeast corner of G. W. T. & P. R. Co. Survey 38 (Deed 5 calls this line 1828 varas), at 1912.22 varas pass the southwest corner of Survey 371, at 3824.44 varas to the southwest corner of Survey 152. Then turning N 84 deg 32 min 25 sec E, parallel to said partition line and centerline, at 344.30 varas pass an iron pin set at the intersection of a projection of the occupied fence from the south for the west line of Survey 1943, at 1908.46 varas pass the southeast corner of Survey 152 and at 3816.92 varas to the southeast corner of Survey 151. This construction is consistent with the 1912 survey and produces excess in Surveys 151, 152, 371 and 372.

Survey 296 was constructed by projecting the occupied east line of Survey 1943 southward and the occupied east line of Survey 295 northward onto the said partition line causing the common line of Surveys 295 and 296 to be 1900.87 varas long. The north line of survey 296 was made parallel to the partition line and the east line of Survey 296 made parallel to the east line of Survey 1943. This produces a small excess and an overlap with Survey 150 1/4. The overlap appears confirmed by Deed 1 which recites Survey 295 to have only 592 acres but was patented for 640 acres.

The triangular area remaining north of Survey 296, bounded on the east by the projection of the occupied southwest line of Survey 150 1/4 and on the west by the above-constructed east lines of Surveys 151 and 372 is allotted to Surveys 8 and 9 by proportion along the west line of Surveys 8 and 9 and produces excess

acreage in Surveys 8 and 9. This area has been surveyed and corrected several times with the most recent by Curtis in 1907. Deed 4 recognizes excess acreage in the northwest part of Survey 8. The description for this part of the deed was prepared from another survey by Sweeney in 1912. Excess length was given east-west but the north-south distance was held at called distance, 484 varas. The deed calls for the south line of Survey 8 to be 1305 varas which is remeasured as 1306.60 varas. It was called 1226 varas.

C. M. Slaughter Survey 10, established by Curtis 1908, fills in the area between Hooper and Wade Survey 2, Wright Survey 150 1/4, G. H. and H. Survey 372 and the W. W. McCurry Survey 2. Survey 10 was called to corner on the southwest line of Survey 2 and have only three sides. Curtis apparently placed the east line of Surveys 372 and 151 approximately 80 varas too far east. As reconstructed, a fourth call is given Survey 10 since McCurry Survey 2 is senior. This produces excess acreage in Survey 10.

Hooper and Wade Survey 2 was surveyed by Melms in 1875 along with other Hooper and Wade Surveys. Surveys 1 and 3 were corrected in 1953. The northwest and northeast lines of Survey 2 are marked by concrete monuments set for and marking the original corners of Surveys 1 and 3. The west corner of Survey 150 was constructed by a line from the original upper river corner of Survey 150 through the concrete monument at the east corner of Survey 2 and extending 11680 varas from the Frio River. From this corner, the northwest line of Survey 150 1/4 was drawn to the previously mentioned intersection of Survey 150 1/4's occupied southwest line with an occupied fence partly along its northwest line. The south corner of Hooper and Wade Survey 2 was placed at the intersection of a line from the original west corner of Survey 2 to an occupied corner near the south corner of Survey 2 with the previously constructed northwest line of Survey 150 1/4.

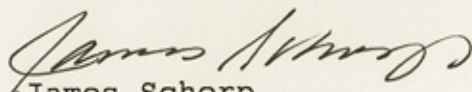
Two old deeds for tracts south of the partition line confirm the occupied east and west lines of Survey 1943. In Deed 2, the length of the north line, part of the partition line, is given as 2376 varas. Sweeney passes the northeast corner of this tract at 2382 and it was remeasured as 2379.06 varas. In Deed 3, the length of the north line, part of the partition line, is given as 1094 varas. Sweeney gives a length of 1088 varas and it was remeasured as 1093.96 varas.

The southeast corner of Survey 296 is confirmed by Deed 4 wherein part of the Southeast Part of Survey 8 was conveyed. The field notes of this tract give the west line as 1181 varas, remeasured as 1190.13 varas, the northeast line as 1542 varas, remeasured as 1549.70 varas, and the south line (along the partition line) as 999 varas, remeasured as 995.19 varas.

Deeds Referred To (Frio County Deed Records):

- 1). W. F. Slaughter Estate Partition, 11-2-1908, Vol. 40, page 13
- 2). 1393 acre tract, W. B. Taylor to Mrs. C. M. Slaughter, 2-18-1915, Vol. 51, page 168
- 3). 3283 acre tract, Hugh A. Taylor to R. L. Brown, 3-4-1913, Vol. 48, page 198
- 4). 104.7 and 94.3 acre tracts, J. H. Loxton to Fannie C. Little, 12-7-1912, Vol. 48, page 28
- 5). 2637 ac., Blackaller Brothers to J. T. & A. A. Storey 9-7-1925, Vol. 71, page 344

Respectfully submitted,



James Schorp
Frio County Surveyor
R.P.L.S. No. 1860

