

JUDGMENT

(Filed November 1, 1950)

(Title Omitted)

On the 16th day of October, 1950, came on regularly to be heard the above styled and numbered action, wherein Margaret Jessie Patterson Padgett, widow, Annie Mary Patterson, a feme sole, William A. Patterson and Allen K. Patterson are Plaintiffs (Complainants) and George Delany is Defendant; and came the parties and their respective attorneys and announced ready; whereupon, a jury of twelve good and lawful men being duly impaneled and sworn, trial hereof commenced and continued from day to day until October 25, 1950, when both parties rested, Plaintiffs (Complainants) duly making motion for instructed verdict and Defendant duly making motion for judgment, Plaintiffs' (Complainants') motion aforesaid being granted and Defendant's Motion aforesaid being denied by the Court; whereupon the jury then returned the following verdict pursuant to peremptory instruction by the Court:

"We, the jury, pursuant to the Court's peremptory instruction, find for Plaintiffs (Complainants), Margaret Jessie Patterson, widow, et al, against Defendant, George Delany, on all issues in the case and for title to and possession of the land and premises described in Plaintiffs' Complaint."

It is, therefore, Considered, Ordered, Adjudged and Decreed by the Court, that Plaintiffs (Complainants), Margaret Jessie Patterson Padgett, widow, Annie Mary Patterson, a feme sole, William A. Patterson and Allen K. Patterson,

recover of Defendant, George Delany, the title to and possession of that certain land and premises described as follows:

All that certain tract or parcel of land in the John Sellers League in Galveston County, State of Texas, and described as follows: Commencing at a stake on the South bank of Dickinson Bayou, from which the mouth of Gum Bayou bears North 45° East 250 feet and the upper or most Westerly Tree of a cluster of Seven Pines situated on the opposite bank of Dickinson Bayou bears North $13^{\circ} 35'$ West 661 feet, thence due South Eighteen Thousand Seven Hundred and Thirty-five and $\frac{2}{10}$ ($18,735 \frac{2}{10}$) feet to a stake marked N.W. 80 for the North West corner of this tract as a place of beginning; thence due South Twenty-eight Hundred and Eighty-four and $\frac{2}{10}$ ($2,884 \frac{2}{10}$) feet to a stake marked S.W. 80 at the South West corner of this tract; thence due East Eleven Hundred and Eighty-two and $\frac{9}{10}$ ($1182 \frac{9}{10}$) feet to a stake marked S.E. 80 at the South East corner of this tract, thence due North Twenty-eight Hundred and Eighty-four and $\frac{2}{10}$ ($2884 \frac{2}{10}$) feet to a stake marked N.E. 80 at the North East corner of this tract; and thence due West Eleven Hundred and Eighty-two and $\frac{9}{10}$ ($1182 \frac{9}{10}$) feet to the place of beginning, containing Eighty acres of land, more or less;

being the same land and premises described in Plaintiffs' Complaint; for which plaintiffs (Complainants) may have their writ or writs of possession and their costs in this behalf expended, judgment for which said costs is hereby ordered in their favor by the Court and for which said costs, in the same writ or otherwise, they may have their execution.

To which defendant objects and excepts.

T. M. Kennerly
Judge

Approved as to Form Only:
Markwell & Stubbs
By T. B. Stubbs
Attorneys for Defendant
Cotton Exchange Building
Galveston, Texas

Entered at Galveston this
1st day of November, 1950.

Approved as to Form:

Levy & Levy
By Adrian F. Levy, Jr.
Attorneys for Plaintiffs
1009 U. S. Nat'l. Bank Bldg.
Galveston, Texas

20 NOTICE OF APPEAL AND CERTIFICATE
OF SERVICE

(Filed November 22, 1950)

(Title Omitted)

Notice is hereby given that George Delany, Defendant
herein, hereby appeals to the United States Circuit Court of

File No. Sketch File 60d
Galveston County
S.F. - 16499
Filed 4 - 20 1988

GARRY MAURO, COMMISSIONER

By H Forbes



NOTICE OF APPEAL AND CERTIFICATE
OF SERVICE

(Filed November 25, 1970)

(This Omitted)

Notice is hereby given that George DeLong, Defendant
herein, hereby appeals to the United States Circuit Court of

CIVIL ACTION NO. 1262

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

WILLIAM ARCHER PRICE, ET AL

vs.

GEORGE DELANY, ET AL

FINAL JUDGMENT

On this 2 day of July, 1953, at a regular term of this Court, and in its regular order, came on to be heard the above entitled and numbered cause, and then appeared all parties to this suit, viz: William Archer Price and Mrs. M. B. Archer, a feme sole, plaintiffs herein, who appeared by pleadings duly filed, and by their attorney of record, and the defendant, George M. Delany, sometimes called George Delany, Jr., heretofore filed disclaimer herein and the defendants, (who are also cross-plaintiffs) George B. Delany and wife, Mrs. Louise Delany (in some pleadings herein called Mrs. George Delany) appeared by answer and cross action duly filed herein and by attorney; and all of said parties announced ready for trial, and all parties also expressly waived jury; and the pleadings, evidence and stipulations and agreements of the parties and counsel having been presented to the Court, and the Court thereupon Finds, Orders, Adjudges and Decrees as hereinafter set forth.

1.

The Court Finds, Orders and Decrees that the Court has jurisdiction of this cause of action and all parties hereto as the plaintiffs are resident citizens of the State of Alabama, domiciled in said State, and that defendants are resident citizens of Galveston County, Texas, domiciled in said State; and that the property in controversy is of a value of more than Three Thousand Dollars (\$3,000.00), exclusive of interests and costs, and the matters in controversy are of an amount in excess of said Three Thousand

Dollars (\$3,000.00), exclusive of interests and costs; and that such property is in Galveston County, Texas, within the Galveston Division of the United States District Court for the Southern District of Texas; and that all such facts existed at the time of institution of this suit and continuously since.

2.

It is Ordered, Adjudged and Decreed by the Court that plaintiffs, William Archer Price and Mrs. M. B. Archer, a feme sole, do have and recover of and from defendants, George B. Delany, Mrs. Louise Delany and George M. Delany, and each of them, the fee simple title (an undivided three-fourth (3/4) interest to William Archer Price and an undivided one-fourth (1/4) interest to Mrs. M. B. Archer, a feme sole) to, and the possession of that certain tract or parcel of land (herein for convenience designated Tract I):

TRACT I. All that certain tract or parcel of land out of the John Sellers League, Abstract 180, in Galveston County, Texas, as more fully described by metes and bounds as follows:

Commencing at a fish plate located at the Southeast corner of the W. K. Wilson League, Abstract #208, said point being also the Southwest corner of the S. A. & M. G. RR Company Survey, Abstract 189, said point being the Southeast corner of the W. K. Wilson League, as set out in District Court suit #55,939, in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al; Thence from said beginning point North 0 deg. 03½ min. East, along the East line of the W. K. Wilson League as set out in above styled suit, and along the West line of the S. A. & M. G. RR Company Survey, a distance of 2991.7 feet to the Southwest corner of the said John Sellers League; said point being also the Northwest corner of the said S. A. & M. G. RR Company Survey and on the East line of said W. K. Wilson League; Thence North 89 deg. 17 min. East along the South line of said John Sellers League and the North line of the S. A. & M. G. RR Company Survey, a distance of 2194.69 feet to the place of beginning of this tract; Thence from said beginning point continuing North 89 deg. 17 min. East, a distance of 917.41 feet to a point for corner, which point is 923.9 feet South 89 deg. 17 min. West from the intersection of the center line of the abandoned Interurban right-of-way and on the Southerly line of said John Sellers Survey; thence North 0 deg. 52 min. West at 1113.72 feet crossing the center line of the old abandoned Galveston-Houston Interurban Company right-of-way and continue on same course a total distance of 1530.6 feet to a point for corner; Thence South 89 deg. 17 min. West at 345.82 feet crossing the center line of said Galveston-Houston Interurban Company right-of-way and continue on same course a total distance of 917.41 feet to a point for corner; Thence South 0 deg. 52 min. East, a distance of 1530.6 feet to the place of beginning.

It is further Ordered, Adjudged and Decreed by the Court that plaintiffs, William Archer Price and Mrs. M. B. Archer, a feme sole, do have and recover of and from the defendants, George B. Delany and wife, Mrs. Louise Delany, the fee simple and perpetual title (an undivided three-fourth ($3/4$) interest to William Archer Price and an undivided one-fourth ($1/4$) interest to Mrs. M. B. Archer, a feme sole) to, and the possession of the oil, gas and other minerals in and under and that may be produced from all that certain tract or parcel of land (herein for convenience designated Tract II):

TRACT II. All that certain tract or parcel of land out of the John Sellers League, Abstract 180, in Galveston County, Texas, as more fully described by metes and bounds as follows:

Commencing at a fish plate located at the Southeast corner of the W. K. Wilson League, Abstract #208, said point being also the Southwest corner of the S. A. & M. G. RR Company Survey, Abstract 189, said point being the Southeast corner of the W. K. Wilson League, as set out in District Court suit #55,939, in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al; Thence from said beginning point North 0 deg. $03\frac{1}{2}$ min. East, along the East line of the W. K. Wilson League as set out in above styled suit, and along the West line of the S. A. & M. G. RR Company Survey, a distance of 2991.7 feet to the Southwest corner of the said John Sellers League; said point being also the Northwest corner of the said S. A. & M. G. RR Company Survey and on the East line of said W. K. Wilson League; Thence North 89 deg. 17 min. East along the South line of said John Sellers League and the North line of the S. A. & M. G. RR Company Survey, a distance of 2069.63 feet to the place of beginning of this tract; Thence from said beginning point continuing North 89 deg. 17 Min. East a distance of 125.06 feet to a point for corner, said corner being the Southeasterly corner of this tract and the Southwesterly corner of Tract I described in paragraph 2 hereof; Thence North 0 deg. 52 min. West, a distance of 1530.6 feet to a point for corner being the Northeast corner of this Tract II and the Northwest corner of the aforesaid Tract I described in paragraph 2 hereof; Thence South 89 deg. 17 min. West, a distance of 125.06 feet to a point for corner; thence South 0 deg. 52 min. East, a distance of 1530.6 feet to the place of beginning.

There is hereby Decreed to said plaintiffs in the proportion hereinabove set forth such titles, interests and rights in the surface, including rights of ingress, egress, and use as may be necessary or proper for the full enjoyment and exercise of said plaintiffs' oil, gas and mineral estate hereunder and exploration for and production, storage, drilling and

transportation of such oil, gas and other minerals.

It is further Ordered, Adjudged and Decreed by the Court that the defendants, (being also cross-plaintiffs) George B. Delany and wife, Mrs. Louise Delany do have and recover of and from the defendant, George M. Delany and plaintiffs (being also cross-defendants) William Archer Price and Mrs. M. B. Archer, a feme sole, (subject to the titles, rights, interests, and uses herein Decreed to plaintiffs, William Archer Price and Mrs. M. B. Archer, a feme sole) the fee simple title to and possession of the surface of the property herein called Tract II and more particularly hereinbefore described in this paragraph.

4.

It is further Ordered, Adjudged and Decreed by the Court that defendants (being also cross-plaintiffs) George B. Delany and wife, Mrs. Louise Delany, do have and recover of and from defendant, George M. Delany and plaintiffs (being also cross-defendants) William Archer Price and Mrs. M. B. Archer, a feme sole, the fee simple title to and the possession of all that certain tract or parcel of land (herein for convenience designated Tract III):

TRACT III. All that certain tract or parcel of land out of the John Sellers League, Abstract 180, in Galveston County, Texas, as more fully described by metes and bounds as follows:

Commencing at a fish plate located at the Southeast corner of the W. K. Wilson League, Abstract #208, said point being also the Southwest corner of the S. A. & M. G. RR Company Survey, Abstract 189, said point being the southeast corner of the W. K. Wilson League, as set out in District Court Suit #55,939, in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al; Thence from said beginning point North 0 deg. 03½ min. East, along the East line of the W. K. Wilson League as set out in above styled suit, and along the West line of the S. A. & M. G. RR Company Survey, a distance of 2991.7 feet to the Southwest corner of the said John Sellers League; said point being also the Northwest corner of the said S. A. & M. G. RR Company Survey and on the East line of said W. K. Wilson League; Thence North 89 deg. 17 min. East along

the South line of said John Sellers League and the North line of the S. A. & M. G. RR Company Survey, a distance of 1953.8 feet to the place of beginning of this tract; Thence from said beginning point continuing North 89 deg. 17 min. East a distance of 115.83 feet to a point for corner; (being the Southeasterly corner of this tract and the Southwesterly corner of Tract II described in paragraph 3 of this judgment); Thence North 0 deg. 52 min. West, a distance of 1530.6 feet to a point for corner; (being the Northeasterly corner of this tract and the Northwesterly corner of said Tract II more particularly described in paragraph 3 of this judgment); Thence South 89 deg. 17 min. West, a distance of 115.83 feet to a point for corner; Thence South 0 deg. 52 min. East a distance of 1530.6 feet to the place of beginning.

5.

It is further Ordered, Adjudged and Decreed by the Court that defendants, (being also cross-plaintiffs) George B. Delany and wife, Mrs. Louise Delany, on their cross action against plaintiffs, William Archer Price and Mrs. M. B. Archer, a feme sole, (there having been no controversy between said cross plaintiffs and George M. Delany) do have and recover the fee simple title to, and the possession of that certain tract or parcel of land (herein for convenience designated Tract IV):

TRACT IV. All that certain tract or parcel of land out of the John Sellers League, Abstract 180, in Galveston County, Texas, as more fully described by metes and bounds as follows:

Commencing at a fish plate located at the Southeast corner of the W. K. Wilson League, Abstract #208, said point being also the Southwest corner of the S. A. & M. G. RR Company Survey, Abstract 189, said point being the Southeast corner of the W. K. Wilson League, as set out in District Court suit #55,939, in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al; Thence from said beginning point North 0 deg. 03½ min. East, along the East line of the W. K. Wilson League as set out in above styled suit, and along the West line of the S. A. & M. G. RR Company Survey, a distance of 2991.7 feet to the Southwest corner of the said John Sellers League; said point being also the Northwest corner of the said S. A. & M. G. RR Company Survey and on the East line of said W. K. Wilson League (this being the Southwest and beginning corner of this Tract IV); Thence North 89 deg. 17 min. East along the South line of the said John Sellers League and the North line of the S. A. & M. G. RR Company Survey, a distance of 1953.8 feet (being the Southeast corner of this Tract IV and

the Southwest corner of Tract III more particularly described in Paragraph 4 of this judgment); Thence North 0 deg. 52 min. West, a distance of 1411.2 feet for the Northeast corner of this tract (same being in the Westerly line of Tract III described in paragraph 4 of this judgment, which corner is 119.4 feet South 0 deg. 52 min. East from the Northwest corner of said Tract III); Thence from the Northeast corner of this Tract IV South 89 deg. 17 min. West, a distance of 750.68 feet to a point for corner; Thence South 0 deg. 03½ min. West, a distance of 169.6 feet to a point for corner; thence North 89 deg. 56½ min. West, a distance of 1182.9 feet to a point in the West line of the John Sellers Survey, being also the East line of the W. K. Wilson Survey for the Northwest corner of this tract; Thence South 0 deg. 03½ min. West along the East line of the W. K. Wilson Survey, being the West line of the John Sellers Survey, a distance of 1257.3 feet to the place of beginning.

6.

The Court Finds, Orders and Decrees that in describing the tracts hereinbefore specifically described in paragraphs 2 to 5, inclusive of this judgment, the following has been done and agreed to by the parties:

A. Fish plate called for is located at the Southeast corner of the W. K. Wilson League, Abstract #208, and the Southwest corner of the S. A. & M. G. RR Company Survey, Abstract #189, as determined in Cause No. 55,939 in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al; And the East line of the William K. Wilson Survey and the Westerly line of the S. A. & M. G. RR Company Survey, and the West line of the John Sellers Survey are the identical lines and location determined by said judgment in the Perryman vs. Humble Oil & Refining Company case and those which can be established therefrom, notwithstanding that in the Perryman vs. Humble Oil & Refining Company judgment the East line of the William K. Wilson Survey and the West lines of the S. A. & M. G. RR Company Survey and the John Sellers Survey were recited to run from such fish plate on a course North 0 deg. 44 min. East, whereas this judgment line is recited to run from such fish plate North 0 deg. 03½ min. East; and similarly in said Perryman vs. Humble Oil & Refining Company et al judgment the South line of said Wilson Survey was stated or assumed to run on a true East-West course, whereas in this judgment all of said lines are stated to run on a course North 89 deg. 17 min. East from the Western terminus thereof.

B. The Court Finds, Orders and Decrees that the descriptions of tracts as set forth in paragraphs 2 to 5, inclusive of this judgment are located by objects on the ground as specifically called for in this judgment and that locations set forth in this judgment shall prevail among the parties hereto, notwithstanding any other or subsequent controversies or suits that may exist or arise with third persons respecting the locations of any lines of the John Sellers Survey, the William K. Wilson Survey, and the S. A. & M. G. RR Company Survey, or either of them, or the location of Shares "E", "F" and "G", or either of them, as described or established in Cause #15,277 in the District Court of Galveston County, Texas, entitled

William A. Benton vs. S. C. Etheridge et al or respecting the location of any subdivisions of Share "F" as such subdivisions are described or established in the partition of Share "F" as made in Cause #17,278 in the District Court of Galveston County, Texas, entitled James P. Manning et al vs. Louisa Manning Harder et al.

7.

It is further Ordered, Adjudged and Decreed by the Court that no costs are decreed against George M. Delany and that all costs of this suit be divided equally between plaintiffs, William Archer Price and Mrs. M. B. Archer, a feme sole, who shall jointly pay one-half (1/2) and the defendants, George B. Delany and wife, Mrs. Louise Delany who shall jointly pay the other one-half (1/2); and it appearing that all costs have been paid by such parties, no process shall issue therefor. It is further Decreed that writs of possession shall issue to each of the parties for the tracts decreed to them severally.

8.

Should there be any issues or parties not specifically disposed of by previous paragraphs of this judgment, it is Ordered that same be dismissed herefrom, this being a final judgment.

RENDERED AND ENTERED this 2 day of July, 1953.

(s) T. M. Kennerly
United States District Judge

We request entry of the foregoing judgment, which is agreed to by all parties.

MARKWELL, STUBBS & DECKER

BY (s) T. B. Stubbs
ATTORNEYS FOR DEFENDANTS

DE LANGE, HUDSPETH & PITMAN

BY (s) Albert J. DeLange
ATTORNEYS FOR PLAINTIFFS

File No. _____
 County _____
 Filed _____
 GARRY MAURO, COMMISSIONER

THE DISTRICT COURT OF THE UNITED STATES
 FOR THE SOUTHERN DISTRICT OF TEXAS
 GALVESTON DIVISION

I, V. BAILEY THOMAS, Clerk of the District Court of the United States for the Southern District of Texas, do hereby certify and attest that the above and foregoing is a true and correct copy of Final Judgment made and entered July 2, 1953, in the Galveston Division of said Court, Civil Action No. 1262, William Archer Price, et al vs. George Delany, et al, as the same appears of record in my Office in CIVIL ORDERS, Volume 18, Page 607 and that I have the legal custody of such Records.

In Witness Whereof, I have hereunto set my hand and affixed the impress of the Official Seal of the District Court of the United States for the Southern District of Texas at my office in Galveston on this 12th day of January, A. D. 1956.

V. BAILEY THOMAS, Clerk

BY: [Signature]
 Deputy



THE STATE OF TEXAS }
 COUNTY OF GALVESTON } I, JOHN R. PLATTE, County Clerk of Galveston County, State of Texas, do hereby Certify that the foregoing instrument of writing, with its certificate of authentication was filed for record in my office on the 27th day of June 1958 at 9:00 o'clock, A. M., and recorded on the 27th day of June 1958, at 1:25 o'clock, P. M. in Deed Record Book 1265 Pages 362 to 368 Incl.

WITNESS my hand and Official Seal, at my office, in Galveston, Texas, on the date last above written.

JOHN R. PLATTE,
 County Clerk of Galveston County, Texas
[Signature] Deputy.

File No. Sketch File 606

Galveston County

S.F. 16499

Filed 4-20 1988

GARRY MAURO, COMMISSIONER

By H. Forbes



[Faint, mirrored text from the reverse side of the page, including phrases like 'I have the legal custody of such records' and 'In Witness Whereof, I have hereunto set my hand and affixed the impress of the Official Seal of the District Court of the United States for the Southern District of Texas at my office in Galveston on this 17th day of January, A. D. 1956.']

[Faint signature and text, possibly 'V. BAILEY THOMAS, Clerk' and a signature.]



[Faint, mirrored text from the reverse side of the page, including a date stamp 'JUN 1958' and other illegible text.]

[Faint signature and text at the bottom left of the page.]

V. E. AUSTIN

VS. #40,192.

EDWARD KNIGHT, ET AL

(
)
(

On this 20th day of March, 1925, came Plaintiff, V. E. Austin by attorney, and defendants, Robert Knight and Addis Knight tho each having been personally served with citation herein, came not but wholly made default, service of citation having been served on said Robert Knight on July 15, 1924, and citation having been served on said Addis Knight on July 15, 1924, and defendant Edward Knight having been cited by publication, the citation for said Edward Knight having been issued by the Clerk of this Court on August 29, 1924, and having been published in the Galveston Tribune, a newspaper of general circulation which has been continuously and regularly published in the City and County of Galveston, Texas, for many years past, the said citation having been published in said newspaper on the following dates, to-wit: August 30, September 6, September 13 and September 20, 1924, and said Edward Knight having failed to appear and answer herein, the Court heretofore appointed P. A. Drouilhet, an attorney at this Bar, to represent said Edward Knight, and said Drouilhet has filed an answer for and on behalf of said Edward Knight, and C. C. Washington having been heretofore appointed and directed by the Court to make a survey of the boundary line in controversy as hereinafter described, and said Washington also appearing before the Court, and this cause coming on to be heard, a jury being waived, and all matters of fact as well of law being submitted to the Court, and the Court having heard the evidence, and it appearing to the Court that this is a suit brought to establish the boundary line between the John Sellers Survey and the S.A.&M.G. R.R.Co. Survey, lying South of and adjoining the John Sellers Survey in Galveston County, Texas, and it further appearing to the Court that the said boundary line is located and established as contended by plaintiff;

It is therefore ordered, adjudged and decreed by the Court that the Northern boundary line of the S.A. & M.G.R.R.Co. Survey for its entire East and West distance is co-incident with the South boundary line of the John Sellers Survey, and that said boundary line thus established on the ground is 1077 varas North of and parallel to the established North boundary line of the S. F. Austin League No. 4, as same is located and determined on the ground by an old cedar post now standing at the Northeast corner of said S. F. Austin League No. 4, which has been for many years recognized as being and has a general reputation of being at the original location of the said Northeast corner of the said S. F. Austin League No. 4; and which said boundary line between said John Sellers League and said S. A. & M.G.R.R.Co. Survey is determined in the following method: Beginning at the Northeast corner of said S. F. Austin League No. 4, where now stands an iron stake 1 $\frac{1}{2}$ inches in diameter, and an old cedar post, same being generally recognized as the Northeast corner of said S. F. Austin League No. 4; thence South 89 degrees 17 minutes West along the North boundary line of said S. F. Austin League No. 4, a distance of 2320 varas to the East boundary line of the W. K. Wilson Survey; thence North 0 degrees 73 minutes West 1077 varas, which point is now here decreed to be the Northwest corner of the S.A. & M.G.R.R.Co. Survey, and co-incident with the Southwest corner of the John Sellers Survey; and the boundary line in controversy between said John Sellers Survey and said S.A. & M.G.R.R.Co. Survey runs from said last mentioned point North 89 degrees 17 minutes East a distance of 2830 varas to a point which is here decreed to be the Northeast corner of said S.A. & M.G.R.R.Co. Survey, and which last mentioned line is parallel to said North boundary line of said S. F. Austin League No. 4, and is distant 1077 varas North of said S. F. Austin League No. 4.

A fee of \$25⁰⁰/₁₀₀ is hereby allowed P. A. Drouilhet as attorney for appearing and answering herein for and on behalf of said Edward Knight, to be taxed as part of the costs herein, and a fee of \$100⁰⁰/₁₀₀ is hereby allowed C. C. Washington as surveyor for his services, to be taxed as costs herein.

County
19
CLERK OF DISTRICT COURT

It is further ordered, adjudged and decreed by the Court that all costs in this cause be and same are hereby taxed one-half against plaintiff, and one-half against defendants, jointly and severally, for all of which execution may issue. It is further ordered that a copy of the evidence adduced on the trial of this cause be filed among the papers of this cause.

Enter:

J. C. Canty
Judge.

STATE OF TEXAS
COUNTY OF GALVESTON

I, V. J. Bennett, Jr., District Clerk of Galveston County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, as appears of record in Vol. _____ Page _____ Minutes of said court on file in my office.

Witness my official hand and seal of office, this _____ day of _____ 19__

V. J. BENNETT, JR., DISTRICT CLERK
Galveston County, Texas

By _____
CLERK OF DISTRICT COURT

File No. Sketch File 60a
Galveston County
S. F. 16499
Filed 4-20 1988
GARRY MAURO, COMMISSIONER
By H. Forbes

STATE OF TEXAS
COUNTY OF GALVESTON

I, V.J. Beninati, Jr., District Clerk of Galveston County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, as appears of record in Vol. 46, Page 116 Minutes of said court on file in my office.

Witness my official hand and seal of office, this

5th day of April, 1988
V.J. BENINATI, JR., DISTRICT CLERK
Galveston County, Texas

By Rhonda Wilson Deputy
RHONDA WILSON

REPORT OF SURVEY
S. F. 16499
GALVESTON COUNTY, TEXAS

The original Spanish Land Title League (No. 13) in this area was for Alexander Farmer, dated 23 November 1831, and was bounded on the north by Dickinson Bayou. The next year, League No. 4 was surveyed for Stephen F. Austin on 25 February 1832, and was bounded on the south by Highland Creek. The following year League No. 10 was issued to John W. Lytle on 23 January 1833 (although the title date on the original document is 23 January 1832) at San Felipe de Austin, and was bounded on the north, east and south by the waters edge of Dickinson Bayou, Dollar Bay, and Moses Creek, respectively.

Six years later comes William H. Hunt, Surveyor for Brazoria District, to survey in the vacant area along Dickinson Bayou between the Farmer and Lytle Leagues. His first survey was for Wm. T. Austin, a survey of 25 labors, which he termed "League A" in his field notes. This was the westerly of his two surveys, and began at the NE corner of the Farmer League, calling for no other adjoinders (a certified copy of these field notes are in Galveston County Sketch File 35 of G. L. O., and are dated 21 March 1838). Subsequently, but dated same date, Hunt surveyed 24 labors for Wm. J. Russell and Wm. T. Austin (assignees of John Sellers) beginning at the NE corner of his previous league surveyed (same landmarks on S bank of Dickinson Bayou opposite the mouth of Gum Bayou). He then runs S 9° E along same bearing as the previous survey (but not calling for adjoinder) 680 varas less distance than his E boundary of "League A", calling for Moses Bayou, but calling for no adjoinder to the John Lytle on the east. The latter field notes were patented to John Sellers on 12 February 1848, but the first 25 labors surveyed for Wm. A. Austin were resurveyed by W. G. Banks on 22 March 1849 for patent to W. K. Wilson. Banks did not call for or find the John Sellers, but did call for the N boundary of the Stephen F. Austin League, making his E boundary 397 varas longer than Hunt had originally called for (and bearing South, rather than S 9° E).

The meander calls of W. G. Banks for the S bank of Dickinson Bayou place his NE corner for Wilson over four hundred varas west of the patented corner of the John Sellers (which is opposite Gum Bayou).

John O. Trueheart, Deputy Surveyor for Galveston District, then came in 1853 to survey the James Haggard claim No. 15 (15 December) and the adjacent and adjoining Thomas W. Johnson One-Third League (14 December). The latter he bounded on the north by the S bank of Moses Bayou, with his only adjoinder call being the Bayou and the Haggard 320 acres. His survey for Haggard was done previously but he dated it the day after the Johnson. He also bounded the Haggard on the north by the meanders of Moses Bayou, and called to adjoin the E boundary of the Sellers League (on a bearing due South), with no further adjoinders. His survey of another One-Third League for James Smith was done after the Johnson, but dated same date, adjoining the Johnson on the west, Moses Bay on the north and the Moore League on the south. Trueheart's later work in the area S of the Johnson, one labor for Peter J. Menard (16 January 1856), shows an early sketch with the Sellers League drawn with bearings South and East (rather

than with Hunt's S 9° E and N 81° E). However, his sketch shows the Sellers League adjoining the Farmer League, possibly mistaking it for the Wilson League which had been patented only 7 years before. His later sketch on his 1858 survey for C. Herman Jaeger seems to be much more accurate. He had become Galveston County Surveyor in the interim 2 years and shows the Haggard Headright and the Johnson 1/3 League adjoining, shows the Sellers and Wilson adjoined, but shows vacancy between the Haggard and the Sellers (contrary to his 1853 notes). These patented Field Notes for Survey No. 28 to C. Herman Jaeger, made on 1 November 1858, call to adjoin his previous surveys for Johnson and Menard, but do not reach the N boundary of the Moore League. His sketch is also the first to show vacancy between the Sellers and Austin Leagues (though he erroneously also shows it also between the Wilson and Austin Leagues, which Banks had adjoined).

Thereupon one Abram Hoxie, later to become County Surveyor of Galveston County, came in 1867 to survey 640 acres for S. A. & M. G. R.R. Company. His intent was to place the survey in the space between the Sellers and the Austin Leagues, and he began in the E boundary of Banks Survey for W. K. Wilson, declaring it also to be the SW corner of the Sellers League (though they did not adjoin). He thereupon cites adjoinder to the Wilson and Austin League boundaries. His final call was for the S boundary of the Sellers League (though he runs West) and his call is for the same distance, 2830 varas. Hoxie did not at this time find or call to adjoin any of the surveys by Trueheart, including neither the Haggard nor the Wm. J. Jones.

Thus the work completing the bounding surveys cited in the subject application was last dated 15 August 1867.

In 1874, J. V. Smith, Galveston County Surveyor, filed Supplemental and Corrected Field Notes for Trueheart's original survey on 28 January 1858 (12 days after the Menard labor) for Wm. J. Jones. (Trueheart's field notes were cancelled with cause).

These corrected field notes (for patent of 27 November 1874) show Hoxie's S.A. & M.G. adjoining the Haggard, the John D. Moore League No. 5, and the Jones. These patented notes specifically leave a vacancy north of its E part (which was applied for by Maco Stewart in S.F. 15063, voided on 14 March 1950 for failure to complete). The sketch therewith also shows a vacancy between the Jones and the Haggard (which was applied for in S.F. 14976, S.F. 15009, and S.F. 15062 by Maco Stewart - all voided for failure to complete).

In April 1886, one William A. Righter prepared what is termed "Plan of the Lower Half of John Sellers League", and recorded it in Volume 57, page 593 of the Deed Records of Galveston County. This shows all bearings as patented (S 9° E and N 81° E). However, he shows Moses Bayou as the S boundary of the E part. These 20 tracts constitute the first deed documents out of the League, showing 4498 varas along the E boundary between Dickinson and Moses Bayous (patented distance 4347 varas), and totalling 2436 acres, with 424 acres S of Moses Bayou, extending 2040 varas S 9° E (patented distance 1902 varas).

Abram Hoxie finally became Galveston County Surveyor, and in 1890 his next field work in the area was for J. C. League (5 February 1890).



His sketch accompanying this work show the Sellers and Lytle Leagues without conflict, but shows his own S.A. & M.G. to be in considerable conflict with the Haggard Headright. Those notes, though they were prepared for the vacancy left between the Jones and the Haggard (later said S.F. 15062), were abandoned by G. L. O. Hoxie also filed field notes dated 6 February 1890 for the vacancy between the Jones and Johnson (later said S.F. 15063), but these were also abandoned. His field notes of 5 February 1890 for the vacancy between his earlier S.A. & M.G. survey and the Moore League were cancelled by his Corrected Field Notes made 30 September that year for patent to J. C. League. Even these he corrected in October to show 1764 varas from the NE corner of the Austin League, which left the senior S.A. & M.G. an excess of 8 varas South from the NE corner of Austin League. In his filed Certificate of Correction letter dated 23 August 1890, Hoxie also states that he ran the line between the Lytle and the Sellers Leagues and confirmed Hunt's original 4347 varas of length (although Lytle's Title calls for due North, whereas Hunt called for N 9° W and cited no adjoinder, either).

Abram Hoxie was then appointed to subdivide the West One-Half of the Sellers League for the heirs early in 1892, these constituting the second deed documents out of the League. His plat and Field Notes for this Subdivision are recorded in the documents for Case No. 15,277, Wm. A. Benton et al versus S. G. Etheridge et al, District Court of Galveston County and are also of record in Book H, p. 36 et seq of the County Surveyors Records.

This subdivision shows clearly that Hoxie followed Banks' patented E boundary of the Wilson League for both this subdivision (1892) and his previous S.A. & M.G. R.R. Survey (1867), which lies about 400 varas West of the original NW corner of Beginning Point of the Sellers League (on Dickinson Bayou's S bank opposite the mouth of Gum Bayou). He also used the patented distance of the W boundary of Sellers, 7783 varas for his subdivision (copy attached herewith), thus the total acreage deeded out of this League vis-a-vis the Righter and Hoxie subdivisions was 4671 acres.

The next Court Judgment by District Court of Galveston County was filed on 21 March 1925 in Case No. 40192, Austin versus Knight et al. This Judgment was based on the survey work of Courtney C. Washington, Galveston County Surveyor, and sets the N boundary of the S.A. & M.G. at its present occupation along the N boundary of the resulting Pabst Subdivision of the North One-Half of S.A. & M.G., filed in Plat Records on 28 March 1928. The surveyor's report filed in this Cause states that J. S. Boyles and other surveyors had set the NW corner of the Sellers on Dickinson Bayou opposite the mouth of Gum Bayou in 1909. He also states that he confirmed R. W. Luttrell's November 1907 finding of the "fishplate" at 7454.5 feet West of the NE corner of the Austin League.

In 1934, J. S. Boyles did extensive work to locate the vacancy between the John Sellers and W. K. Wilson Leagues, and his plat is recorded in the G. L. O. Sketch Files. His work confirmed that the Wilson was patented over 400 varas West of the original NW corner of the Sellers (proven both by the Dickinson Bayou calls for S bank, and the 3100 varas along S boundary). However, in 1943, Case No. 55,939 of J. T. Perryman, Jr., versus Humble Oil & Refining Company, in



Counter 23630

Galveston County District Court, was joined by the State of Texas, and the Judgment set the E boundary of the Wilson League at Boyles' marked line running South from the original NW corner of the Sellers League to the "fishplate in a pond" at N boundary of the Austin League. The judgment further stipulated that the W boundary of the Sellers League and the S.A. & M.G. R.R. W boundary would adjoin and coincide with that same line. This case resulted in M. F. 28408 which constitutes 644.8 acres between Banks' E boundary of the Wilson and the adjudged line.

This vacancy judgment thus voided the 819.7 acres additional triangular vacancy shown on Boyles' filed plat between the Sellers and the Wilson Leagues. However, that judgment concerned neither the SW corner of the Sellers nor the NW corner of the S.A. & M.G., only the line in which they fall.

Thereupon, 7 years later, in November 1950, the Southern Texas Federal District Court Judgment ordered that the SW corner of the Sellers League lies 21619.4 feet (7783 varas) from the original NW corner of the Sellers on S bank of Dickinson Bayou. This resulted from a lawsuit over Share "E" of the Hoxie subdivision, which had originally lain entirely within M. F. 28408. This action therefore moved the Sellers 426 varas northerly from the previously adjudged (1925) S.A. & M.G. corner.

Three years later, in Civil Action No. 1262 of the same Federal Court (and same Judge), the Judgment (after appeal) set the NW corner of the S.A. & M.G. and the SW corner of the Sellers League again at 2991.7 feet (1077 varas) North from the SE corner of the Wilson (the fishplate in N boundary of Austin League, as set previously in M.F. 28408). This judgment also set a portion of the N boundary of S.A. & M.G. and the Sellers, in adjoinment and coincidence, and in accord with the 1925 Judgment by Galveston County District Court aforesaid.

Six years later, on 5 May 1960, Case No. 73,225 in District Court of Galveston County, George B. Delany versus Indiabelle Dandridge Dillon et al, adjudged the SW corner of the Sellers League to be an axle in 3-inch iron pipe (in Boyles' 1938 line and in the adjudged M.F. 28408 line) which lay 4636.08 feet (1668.99 varas) from the previously adjudged fishplate at SE corner of the Wilson League, and 7643.63 varas from the NW corner of the Sellers. This was and is also the occupied location of the said 1950 Federal Court Judgment, even though it lies 139.32 varas closer to the NW corner of the Sellers League at S bank of Dickinson Bayou. This ultimate judgment also uses Boyles' 1938 surveyed line for S boundary of the Sellers.

This completes the legal determinations (to date) involving the subject file.

Our conclusions from the review of the heretofore cited documents, and some of the surveyor's testimony, are as follows:

a. In 1867, Hoxie took a mound he found in the E boundary of the Wilson League (later used by Boyles for his P. O. T. in 1938) to be the SW corner of the Sellers, and built the S.A. & M.G. R.R. Company's 640 acres off of it as Beginning Point.



Counter 23631

Sketch File No. _____
County _____
Filed _____ 1988
GARRY MAURO, COMMISSIONER

b. In 1886, Wm. Righter constructed the Subdivision of the East One-Half of the Sellers League, using 1140 varas of its southmost boundary, and using Moses Bayou as S boundary of its E part.

c. In 1890, Hoxie also assumed that the Lytle and Sellers Leagues had a common boundary.

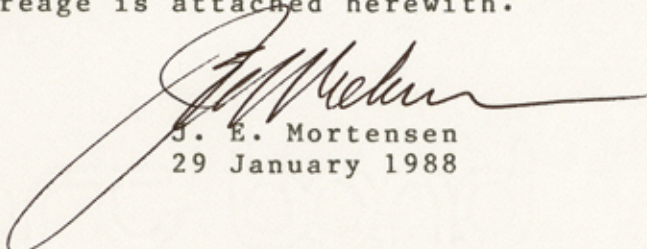
d. In 1892, Hoxie constructed the Subdivision of the West One-Half of the Sellers League using the space between the Wilson and Lytle Leagues, and ignoring the William Righter subdivision of the East One-Half.

e. The State's participation in the Perryman Vacancy lawsuit, producing M. F. 28408, set SW corner of the Sellers and the NW corner of the S.A. & M.G. in the "fishplate line".

f. Subsequent legal squabbles over locations of Hoxie's "shares" in the south part of the Sellers have produced Judgments which separate the landmarks adjudged to mark the boundaries of the S.A. & M.G. R.R. Company's 640 acres and the Sellers League, and both the District Court of Galveston County and the Federal District Court have so ordered.

g. The failure of Hoxie (in 1867) to find or adjoin Trueheart's previous survey of the Haggard Headright produces the conflict shown, and limits the E boundary of the subject file at 4336 varas West of the E boundary of the James Smith Survey (File 1-19), which is Smith Street or State Highway 146 in Texas City.

The resulting vacancy is thus 236.08 acres between the adjudged boundaries as found on the ground, and the list of current taxpayers holding portions of the acreage is attached herewith.


J. E. Mortensen
29 January 1988

File No. Sketch File 60
Galveston County
S. F. 16499
Filed 4-20 1988
GARRY MAURO, COMMISSIONER

By H. Forbes

b. In 1886, Wm. Richter constructed the Subdivision of the West One-Half of the Sellers League, using the corners of its southern boundary, and using Moses Bayou as a boundary of its E part.

c. In 1890, Hoxie also assumed that the Lytle and Sellers Leagues had a common boundary.

d. In 1892, Hoxie constructed the Subdivision of the West One-Half of the Sellers League using the space between the Wilson and Lytle Leagues, and ignoring the William Richter subdivision of the East One-Half.

e. The State's participation in the Perryman Vacancy lawsuit, producing M. F. 28408, set SW corner of the Sellers and the NW corner of the S.A. & M.C. in the "fishplate line".

f. Subsequent legal disputes over locations of Hoxie's "shares" in the south part of the Sellers have produced judgments which separate the landmarks adjudged to mark the boundaries of the S.A. & M.C. R.R. Company's 640 acres and the Sellers League, and both the District Court of Galveston County and the Federal District Court have so ordered.

g. The failure of Hoxie (in 1867) to find or adjust Trueheart's previous survey of the Haggard Headright produces the conflict shown, and limits the E boundary of the subject file at 4336 varas West of the E boundary of the James Smith Survey (File 1-19), which is Smith Street or State Highway 146 in Texas City.

The resulting variance is thus 236.08 acres between the adjudged boundaries as found on the ground, and the list of correct taxpayers holding portions of the acreage is attached herewith.

[Signature]
J. E. Mortensen
29 January 1988

STUBBS
5-5-77

Fed Dist Ct
1953

Adrian Levy actually initiated filing
in vacancy

was for
SHORE E

THIS WAS RE SHORE F

1950 SUIT WAS
PADGET VS DELANY
FOR SHORE E

Boyles
LINE
USED
FOR
W SEWERS

N USE
S A M B
USED
FOR

S B D R Y

NO. 73,225

GEORGE B. DELANY

VS.

INDIADELLE DANDRIDGE
DILLON, ET AL

XXXXXXXXXX

IN THE DISTRICT COURT OF
GALVESTON COUNTY, TEXAS,
56TH JUDICIAL DISTRICT

which
Padgett
was
in Federal
Court

FINAL JUDGMENT

On this 5th day of ^{May} ~~April~~, 1960, at a regular term of Court, came on to be heard the above numbered and entitled cause, and then appeared all parties to this suit, namely George B. Delany, Plaintiff and Cross-Defendant, in person and by attorney of record, and came also the Defendants and Cross-Plaintiffs, Indiabelle Dandridge Dillon, Gregory M. Dillon, Mrs. Manning Harder Dandridge, Sr., Manning H. Dandridge, Jr., Rita Lee Dandridge Briskie and Robert E. Briskie, represented by their attorney, Charles H. Sherman, Jr., and came also Defendants and Cross-Plaintiffs, Eric Wallace Dandridge, Walter Henry Rike, India Belle R. Day, Russell Everette Day, Minnie Margaret D. McDaniels, Renlee McDaniels, Maude Kimbrell D. Hanson, C. H. Hanson, E. I. Williams, Sr., and E. I. Williams, Jr., represented by their attorneys, Levy & Levy, and came also Ivy M. Markwell, Individually and as Independent Executrix of the Estate of Russel H. Markwell, Deceased, Theodore B. Stubbs, William D. Decker, Henry G. Dalehite, Jr., George M. Delany, DeLee Delany Bergeron and husband, David Bergeron, Jr. and Mrs. Louise Delany, wife of said George B. Delany, Cross-Defendants, all having appeared by pleadings duly filed and by attorney; and all parties announced Ready for Trial, expressly waived trial by jury, and announced that this cause should be withdrawn from the jury docket; then came Plaintiff and Cross-Defendant, George B. Delany, and announced in open Court that all of his causes of action asserted herein should be dismissed with prejudice at his costs; and then came Cross-Defendants,

George M. Delany, DeLee Delany Bergeron and husband, David Bergeron, Jr., and announced to the Court that they disclaimed any right, title or interest in and to the land and premises sued for herein by Defendants and Cross-Plaintiffs, and that they had filed Disclaimers herein; and the pleadings, evidence and stipulations and agreements of the parties and counsel having been presented to and heard by the Court; and

It appearing to the Court and the Court so finding that:

1. The Lee Dandridge, hereinafter referred to, was the husband of said India Harder Dandridge, and owned an undivided one-half interest in and to the fee simple title in and to the hereinafter described land and premises known as Lot 4 when he died intestate in 1929.
The India Harder Dandridge, hereinafter referred to, owned the fee simple title in and to the hereinafter described land and premises known as Lot 3 and an undivided one-half interest in and to the fee simple title in and to the hereinafter described land and premises known as Lot 4 when she died as a feme sole, intestate, in 1941.
2. The following named persons were all of the surviving heirs and the only surviving heirs, with respect to the land and premises in suit known as Lot 4, of said Lee Dandridge when he died: Willie Lee Dandridge, a son; Manning Harder Dandridge, Sr., a son; Lula Lou Rike, a daughter, who was a feme sole; LucyBelle D. Williams, a daughter, and said Eric Wallace Dandridge, a son.

3. The following named persons were all of the surviving heirs and the only surviving heirs of said India Harder Dandridge when she died in 1941:

- a. Her son, said Willie Lee Dandridge.
- b. Her granddaughter, said Indiadelle Dandridge Dillon, wife of said Gregory M. Dillon; her grandson, said Manning Harder Dandridge, Jr.; her granddaughter, said Rita Lee Dandridge Briskie, wife of said Robert E. Briskie, all of whom are now living.
- c. Her daughter, said Lula Lou Rike, who was a feme sole.
- d. Her daughter, said LucyBelle D. Williams.
- e. Her son, said Eric Wallace Dandridge, who is now living.

4. The following named persons, who are Defendants and Cross-Plaintiffs herein, are all of the surviving heirs and the only surviving heirs of said Willie Lee Dandridge, who died intestate in 1945: said Minnie Margaret D. McDaniels, a daughter, wife of said Renlee McDaniels; and said Maude Kimbrell D. Hanson, wife of said C. H. Hanson, who was the surviving widow of said Willie Lee Dandridge when he died.

5. The following named persons, who are Defendants and Cross-Plaintiffs herein, are all of the surviving heirs and the only surviving heirs of said Manning Harder Dandridge, (Sr.), who died intestate in 1935: said Indiadelle Dandridge Dillon, a daughter, wife of

said Gregory M. Dillon; said Manning Harder Dandridge, said
Jr., a son; Rita Lee Dandridge Briskie, a daughter,
wife of said Robert E. Briskie; and Dannydelle Wat-
kins Dandridge, who is one and the same person as
said Mrs. Manning Harder Dandridge, Sr., and who was
the surviving widow of said Manning Harder Dandridge,
Sr. when he died.

6. The following named persons, who are Defendants and Cross-Plaintiffs herein, are all of the surviving heirs and the only surviving heirs of said Lula Lou Rike, (who was a Defendant and Cross-Plaintiff herein), who died intestate in 1956, a feme sole: her son, said Walter Henry Rike; and her daughter, said India Belle R. Day, wife of Russell Everette Day.
7. The following named persons, who are Defendants and Cross-Plaintiffs herein, are all of the surviving heirs and the only surviving heirs of said LucyBelle D. Williams, (who was a Defendant and Cross-Plaintiff herein), who died intestate in 1958: said E. I. Williams, Sr., (one and the same person as Eugene I. Williams), who was her husband at the time of her death in 1958; and said E. I. Williams, Jr., (one and the same person as Eugene I. Williams, Jr.) her son; and

It further appearing to the Court and the Court so find-
ing that the Defendants and Cross-Plaintiffs should recover all of
the lands and premises in controversy as hereinafter set forth,
and that all facts necessary to sustain this judgment of this
Court have been fully pleaded and proved;

It is, accordingly, ORDERED, ADJUDGED and DECREED as
follows:

I.

It is ORDERED, ADJUDGED and DECREED that all causes of action asserted herein by Plaintiff and Cross-Defendant, George B. Delany, be and they are hereby dismissed with prejudice.

II.

It is further ORDERED, ADJUDGED and DECREED that the Defendants and Cross-Plaintiffs are heirs as hereinabove found by the Court.

III.

It is further ORDERED, ADJUDGED and DECREED that Defendants and Cross-Plaintiffs, Minnie Margaret D. McDaniels, joined pro forma herein by her husband, Renlee McDaniels, Maude Kimbrell D. Hanson, joined pro forma herein by her husband, C. H. Hanson, Walter Henry Rike, India Belle R. Day, joined pro forma herein by her husband, Russell Everette Day, Eric Wallace Dandridge, E. I. Williams, Sr. and E. I. Williams, Jr., have and recover of and from the Cross-Defendants, George B. Delany, Ivy M. Markwell, Individually and as Independent Executrix of the Estate of Russel H. Markwell, Deceased, Theodore B. Stubbs, William D. Decker, Henry G. Dalehite, Jr., George M. Delany, DeLee Delany Bergeron and husband, David Bergeron, Jr., and Mrs. Louise Delany, wife of George B. Delany, the hereinafter set forth interests in the fee simple title to and the possession of all of the following described tracts or parcels of land and premises, to-wit:

Lots 3 and 4 in Share "F", out of the John Sellers League, Abstract No. 180, in Galveston County, Texas, and being the same land as described in a deed from Louisiana M. Harder to India Harder Dandridge, dated April 24, 1911, and recorded in Volume 249, Page 566, Deed Records of Galveston County, Texas, conveying Lot 4, and in a deed from Lee Dandridge to Mrs. India Harder

Dandridge, dated January 7, 1922, and recorded in Volume 341, Page 401, Deed Records of Galveston County, Texas, conveying Lot 3, as shown on the attached map marked Exhibit "A" and hereby made a part hereof for all purposes, and more particularly described as follows:

COMMENCING at a fish plate in a pond, which fish plate is located at the Southeast corner of the W. K. Wilson League, Abstract No. 208, said point being also the Southwest corner of the S. A. & M. G. Railroad Company Survey, Abstract No. 189, said point being the Southeast corner of the W. K. Wilson League as set out in District Court suit No. 55,939 in the District Court of Galveston County, Texas, styled J. T. Perryman, Jr. vs. Humble Oil & Refining Company, et al;

THENCE from said beginning point North 0 degrees 44 minutes East along the East line of the W. K. Wilson League as set out in the above styled suit and along the West lines of the S. A. & M. G. Railroad Company Survey and the John Sellers League to the intersection of said line (hereinafter sometimes referred to as the "fishplate line") with the Southwest boundary line of the Galveston-Houston Interurban Company Right-of-Way (which point of intersection is a distance of 2766.67 varas (7685.19 feet) from said fishplate and is also South 0 degrees 44 minutes West a distance of 6545.95 varas (18183.19 feet) along said fishplate line from the Northern terminus of said line at

Dickinson Bayou);

THENCE South 39 degrees 45 minutes East with the Southwest Right-of-Way boundary line of Galveston-Houston Interurban Right-of-Way, a distance of 1347.298 varas (3742.494 feet) to the East boundary line of said Lot 4, Share "F", awarded to Louisiana M. Harder in the Partition Decree in District Court No. 17278 in the District Court of Galveston County, Texas, entitled James P. Manning, et al vs. Louisiana Manning Harder, et al; the point of intersection between said Southwest Right-of-Way boundary line of said Galveston-Houston Interurban Right-of-Way with the East boundary line of said Lot 4, being the beginning point of the herein described said Lots 3 and 4;

THENCE South 0 degrees 44 minutes West along the East line of said Lot 4, Share "F", a distance of 73.953 varas (205.425 feet) to the Southeast corner of said Lot 4, Share "F" (which Southeast corner of said Lot 4 lies North 89 degrees 12 minutes West from the intersection of the Easterly extension of the Southerly boundary line of said Share "F" with the Southwest Right-of-Way boundary line of said Interurban Right-of-Way, a distance of 63.209 varas (175.58 feet), said Southeast corner of said Lot 4, Share "F", being located also 875 varas South 89 degrees 12 minutes East from a 3 inch iron pipe with an iron axle inside located at the Southwest corner of Share "E" in the said John Sellers League, (said 3 inch iron pipe with iron axle inside and lying in the fishplate line hereinabove referred to

being a distance of 1097.68 varas (3049.11 feet) South 0 degrees 44 minutes West from the intersection of said fishplate line with the Southwest Right-of-Way boundary line of said Galveston-Houston Interurban Right-of-Way and said 3 inch iron pipe and iron axle being also a distance of 1668.99 varas (4636.08 feet) North 0 degrees 44 minutes East of said fishplate);

THENCE North 89 degrees 12 minutes West with the South boundary line of said Lot 4, Share "F", a distance of 469 varas (1302.78 feet) to the Southwest corner of said Lot 4, Share "F";

THENCE North 0 degrees 44 minutes East with the West boundary line of said Share "F" (254 varas passing the Northwest corner of said Lot 4) a total distance of 508 varas (1411.11 feet) to the Northwest corner of said Lot 3, Share "F";

THENCE South 89 degrees 12 minutes East with the North boundary line of said Lot 3, Share "F", a distance of 98.013 varas (272.258 feet) to the intersection of the North boundary line of said Lot 3 with the Southwest Right-of-Way boundary line of said Galveston-Houston Interurban Right-of-Way;

THENCE continuing on the same course with the North boundary line of said Lot 3 an additional distance of 370.987 varas (1030.519 feet) to the Northeast corner of said Lot 3, Share "F", the total length of the North boundary line of said Lot 3 being 469 varas (1302.78 feet);

THENCE South 0 degrees 44 minutes West with the East

boundary line of said Lots 3 and 4, Share "F" (at 254 varas passing the Southeast corner of said Lot 3 and the Northeast corner of said Lot 4, a distance of 434.047 varas (1205.686 feet) to the intersection of the East boundary line of said Lot 4, Share "F", with the Southwest boundary line of said Interurban Right-of-Way (which intersection is 180.047 varas (500.13 feet) South 0 degrees 44 minutes West from the Northeast corner of said Lot 4, Share "F"), being the place of beginning of the herein described said Lots 3 and 4.

The area contained within the above described tracts contains 42.30 acres, more or less, 21.15 acres, more or less, lying within Lot 3 and 21.15 acres, more or less, lying within Lot 4.

The above courses are based upon a course of South 0 degrees 44 minutes West for the West boundary line of the John Sellers League, the East boundary lines and West boundary lines of said Lots 3 and 4 being parallel thereto, and said courses are based also on a course of South 89 degrees 12 minutes East for the South line of the John Sellers League, and the North and South boundary lines of said Lots 3 and 4, Share "F".

It is further ORDERED, ADJUDGED and DECREED that ^{the} Defendants and Cross-Plaintiffs, ~~hereinabove named in this Paragraph III~~ have and recover of and from the Cross-Defendants hereinabove named ^{and the possession of} in this Paragraph III interests in the fee simple title to/all of the hereinabove described tracts or parcels of land and premises known as Lots 3 and 4 in Share "F", out of the John Sellers

League, Abstract No. 180, in Galveston County, Texas, as follows:

That Defendant and Cross-Plaintiff, Minnie Margaret D. McDaniels, joined pro forma herein by her husband, Ranlee McDaniels, have and recover an undivided two-fifteenths ($2/15$ th) interest therein; and that said Minnie Margaret D. McDaniels, joined pro forma herein by her husband, Ranlee McDaniels, have and recover the remainder interest in another undivided one-fifteenth ($1/15$ th) interest therein (in which said undivided one-fifteenth ($1/15$ th) interest said Maude Kimbrell D. Hansen owns the life estate);

That Defendant and Cross-Plaintiff, Maude Kimbrell D. Hansen, joined pro forma herein by her husband, C. H. Hansen, have and recover a life estate in an undivided one-fifteenth ($1/15$ th) interest therein (in which said undivided one-fifteenth ($1/15$ th) interest said Minnie Margaret D. McDaniels owns the remainder);

That Defendant and Cross-Plaintiff, Walter Henry Rike, have and recover an undivided one-tenth ($1/10$ th) interest therein;

That Defendant and Cross-Plaintiff, India Belle R. Day, joined pro forma herein by her husband, Russell Everette Day, have and recover an undivided one-tenth ($1/10$ th) interest therein;

That Defendant and Cross-Plaintiff, Eric Wallace Dandridge, have and recover an undivided one-fifth ($1/5$ th) interest therein;

That Defendant and Cross-Plaintiff, E. I. Williams, Sr., have and recover a life estate in an undivided one-fifteenth ($1/15$ th) interest therein (in which said undivided one-fifteenth ($1/15$ th) interest E. I. Williams,

Jr. owns the remainder);

That Defendant and Cross-Plaintiff, E. I. Williams, Jr., have and recover an undivided two-fifteenths (2/15ths) interest therein; and that said E. I. Williams, Jr. have and recover the remainder interest in another undivided one-fifteenth (1/15th) interest therein (in which said undivided one-fifteenth (1/15th) interest said E. I. Williams, Sr. owns the life estate);

It is further ORDERED, ADJUDGED and DECREED that Defendants and Cross-Plaintiffs, Indiadelle Dandridge Dillon, joined pro forma herein by her husband, Gregory M. Dillon, Mrs. Manning Harder Dandridge, Sr., Manning H. Dandridge, Jr., and Rita Lee Dandridge Briskie, joined pro forma herein by her husband, Robert E. Briskie, have and recover of and from Cross-Defendants, George B. Delany, Ivy M. Markwell, Individually and as Independent Executrix of the Estate of Russel H. Markwell, Deceased, Theodore B. Stubbs, William D. Decker, Henry G. Dalehite, Jr., George M. Delany, DeLee Delany Bergeron and husband, David Bergeron, Jr., and Mrs. Louise Delany, wife of George B. Delany, possession of and interests in the fee simple title to land and premises, as follows:

That Defendant and Cross-Plaintiff, Mrs. Manning Harder Dandridge, Sr., have and recover a life estate in an undivided three-ninetieths (3/90ths) interest only in and to the tract or parcel of land heretofore described in this Paragraph III known as Lot 4, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas, (in which three-ninetieths (3/90ths) interest said Indiadelle Dandridge Dillon, said Manning H. Dandridge, Jr. and said Rita Lee Dandridge Briskie own the remainder);

That Defendant and Cross-Plaintiff, Indiadella Dandridge Dillon, joined pro forma herein by her husband, Gregory M. Dillon, have and recover an undivided five-ninetieths (5/90ths) interest in and to the tract or parcel of land hereinabove described in this Paragraph III known as Lot 4, Share "F", out of the John Sellers League, Abstract No. 190, Galveston County, Texas;

That Defendant and Cross-Plaintiff, Manning H. Dandridge, Jr., have and recover an undivided five-ninetieths (5/90ths) interest in and to the tract or parcel of land hereinabove described in this Paragraph III known as Lot 4, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas;

That Defendant and Cross-Plaintiff, Rita Lee Dandridge Briskie, joined pro forma herein by her husband, Robert E. Briskie, have and recover an undivided five-ninetieths (5/90ths) interest in and to the tract or parcel of land hereinabove described in this Paragraph III known as Lot 4, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas;

That Defendants and Cross-Plaintiffs, Indiadelle Dandridge Dillon, joined pro forma herein by her husband, Gregory M. Dillon, Manning H. Dandridge, Jr., and Rita Lee Dandridge Briskie, joined pro forma herein by her husband, Robert E. Briskie, have and recover equally the remainder interest in another undivided three-ninetieths (3/90ths) interest in and to the tract or parcel of land hereinabove described in this Paragraph III known as Lot 4, Share "F", out of the John Sellers League, Abstract

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No. 180, Galveston County, Texas, (in which said undivided three-ninetieths (3/90ths) interest said Mrs. Manning Harder Dandridge, Sr. owns the life estate);

That said Indiadelle Dandridge Dillon, joined pro forma herein by her husband, Gregory M. Dillon, have and recover an undivided one-fifteenth (1/15th) interest in

That said Indiabelle Dandridge Dillon, joined pro forma herein by her husband, Gregory M. Dillon, have and recover an undivided one-fifteenth (1/15th) interest in

and to the tract or parcel of land described in this Paragraph III known as Lot 3, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas;

That said Manning H. Dandridge, Jr. have and recover an undivided one-fifteenth (1/15th) interest in and to the tract or parcel of land described in this Paragraph III known as Lot 3, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas; and

That said Rita Lee Dandridge Briskie, joined pro forma herein by her husband, Robert E. Briskie, have and recover an undivided one-fifteenth (1/15th) interest in and to the tract or parcel of land described in this Paragraph III known as Lot 3, Share "F", out of the John Sellers League, Abstract No. 180, Galveston County, Texas.

IV.

It is further ORDERED, ADJUDGED and DECREED that writs of possession shall issue to Defendants and Cross-Plaintiffs, and each of them, either jointly or severally or jointly and severally, for the possession of the land and premises herein adjudicated to Defendants and Cross-Plaintiffs.

V.

It is further ORDERED, ADJUDGED and DECREED that costs

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of suit be decreed against George B. Delany, Plaintiff and Cross-Defendant, for which, unless paid, let execution issue.

This Judgment ENTERED, RENDERED and SIGNED this, the

5th day of May, 1960.

William E. Stone
William E. Stone, Judge of the
District Court of Galveston County,
Texas, 16th Judicial District,
Presiding.

Counter 23646

MARKWELL, STUBBS, DECKER & DALEHITE

By (Sgd) Theodore B. Stubbs

Attorneys for Plaintiff and Cross-Defendant, George B. Delany

MARKWELL, STUBBS, DECKER & DALEHITE

By (Sgd) Theodore B. Stubbs

Attorneys for Cross-Defendants, Mrs. Louise Delany, George M. Delany, Delee Delany Bergeron and husband, David Bergeron, Jr., Ivy M. Markwell, Individually and as Independent Executrix of the Estate of Russel H. Markwell, Deceased, Theodore B. Stubbs, William D. Decker and Henry G. Dalehite, Jr.

LEVY & LEVY

By (Sgd) Adrian F. Levy, Jr.

Attorneys for Defendants and Cross-Plaintiffs,
Eric Wallace Dandridge, Walter Henry Rike, India Belle R. Day, Russell Everette Day, Minnie Margaret D. McDaniels, Renlee McDaniels, Maude Kimbrell D. Hanson, C. H. Hanson, E. I. Williams, Sr. and E. I. Williams, Jr.

(Sgd) Charles H. Sherman, Jr.
CHARLES H. SHERMAN, JR.

Attorney for Defendants and Cross-Plaintiffs,
Indiadelle Dandridge Dillon, Gregory M. Dillon, Mrs. Manning Harder Dandridge, Sr., Manning H. Dandridge, Jr. Rita Lee Dandridge Briskie and Robert E. Briskie

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(Sgd) George B. Delany
George B. Delany, pro se

(Sgd) Mrs. Louise Delany
Mrs. Louise Delany, pro se

(Sgd) Delee Delany Bergeron, pro se
Delee Delany Bergeron, pro se

(Sgd) David Bergeron, Jr.
David Bergeron, Jr., pro se

(Sgd) Ivy M. Markwell
Ivy M. Markwell, Individually and as Independent Executrix of the Estate of Russel H. Markwell, Deceased, pro se

(Sgd) George M. Delany
George M. Delany, pro se

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THE STATE OF TEXAS, }
County of Galveston. }

I, JOHN R. PLATTE, County Clerk, in and for Galveston
County, State of Texas, do hereby CERTIFY that the above and fore-
going is a true and correct copy of FINAL JUDGMENT -

GEORGE B. DELANY

VS

INDIADELLE DANDRIDGE DILLON ET AL.,

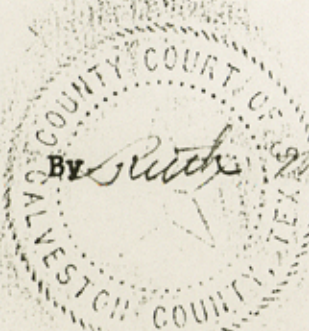
as the same appears of record in my office, in Deed Record
Book No. 1381 Page Nos. 577 to 592 inc.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the impress of the official seal of said County Court, at
my office, in the City and County of Galveston, State of Texas, on
this the 12th day of May A. D., 1964.

JOHN R. PLATTE,

County Clerk, in and for
Galveston County, Texas.

Deputy.



DICKINSON BAYOU.



JOHN SELLERS LEAGUE
A. 180

W. K. WILSON LEAGUE A. 208

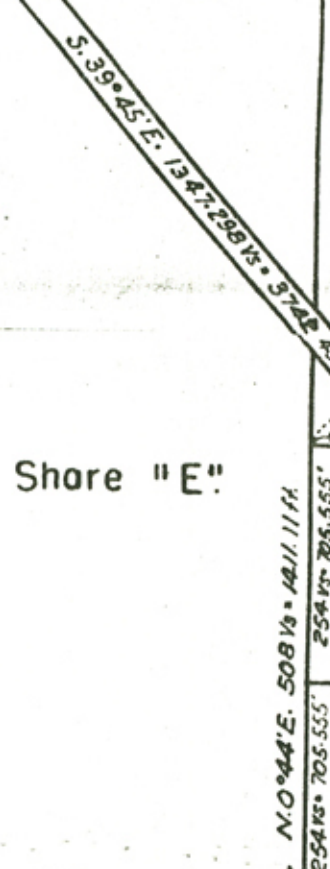
S. A. & M. G. R. R. CO. SURV.
A. 189

6545.95 Vs. 18183.19 ft.

S. 0°44'N. 1097.68 Vs. 3049.11 Ft.

N. 0°44'E. 2766.67 Vs. 7685.19 Ft.

1668.99 Vs.



Shore "E"

Lot 3

Lot 4

Galveston-Houston Interurban R. of W.

3" pipe with axle inside
S.W. Cor. Shore "E"

Fish Plate in a pond
S.E. Cor. W.K. Wilson Lg.
S.W. Cor. S.A. & M.G. R.R. Co. Surv.

Boyles
Registered Public Land Surveyor.
No. 1.

S. F. AUSTIN

SHOWING LOTS NOS. 3 and 4, SHARE "F", AS PARTITION IN CAUSE NO. 17,278, BEING A SUBDIVISION OF SAID SHARE "F" OF A PARTITION OF THE WEST HALF OF THE SELLERS LEAGUE IN CAUSE NO. 15,277, 10th. DISTRICT COURT IN GALVESTON COUNTY, AND AS FIXED IN CAUSE NO. 73,225 OF THE 56th. DISTRICT COURT. OUT OF THE JOHN SELLERS LEAGUE, ABST. NO. 180, GALVESTON, COUNTY, TEXAS. APR. 26, 1960. SCALE: 1" = 200 vs. OFFICE OF J. S. BOYLES C. E.

Calculated not surveyed.

EXHIBIT "A"

MAP NO. 4134-R-C.

counter 23699

THE STATE OF TEXAS,
COUNTY OF GALVESTON.

I, H. H. TREACCAR, Clerk of the District Court in and for the County of Galveston, do hereby

certify that the foregoing is a true and correct copy of a certain judgment and decree rendered by the Dis-

trict Court for the Fifty-Sixth Judicial District in and for Galveston County, Texas,

on the 5th day of May, A. D. 1960.

in Cause No. 73,225 entitled _____

GEORGE B. DELANY

Plaintiff _____, and _____

INDIADELLE DANDRIDGE DILLON, ET AL

Defendants _____, and entered on the minutes of said Court on pages 440 et seq

of Book No. 83 as appears of record manifest in my office _____

* * * * *

Witness, my official signature and seal of the said District Court at office
in Galveston, Texas, this the 16th day of
May 1960



H. H. TREACCAR
Clerk District Court, Galveston County, Texas.
By Pauline F. Burke, Deputy Clerk.
Pauline F. Burke

Filed for Record May 16, 1960 at 11:50 o'clock a. No. 245442
Recorded May 17, 1960 at 9:15 o'clock a.
JOHN R. PLATTE, County Clerk, By Elmer Hanson Deputy.

Counters 23658

File No. Sketch File 60c
Galveston County

S.F. 16499

Filed 4-20 1988

GARRY MAURO, COMMISSIONER

By H. Forbes

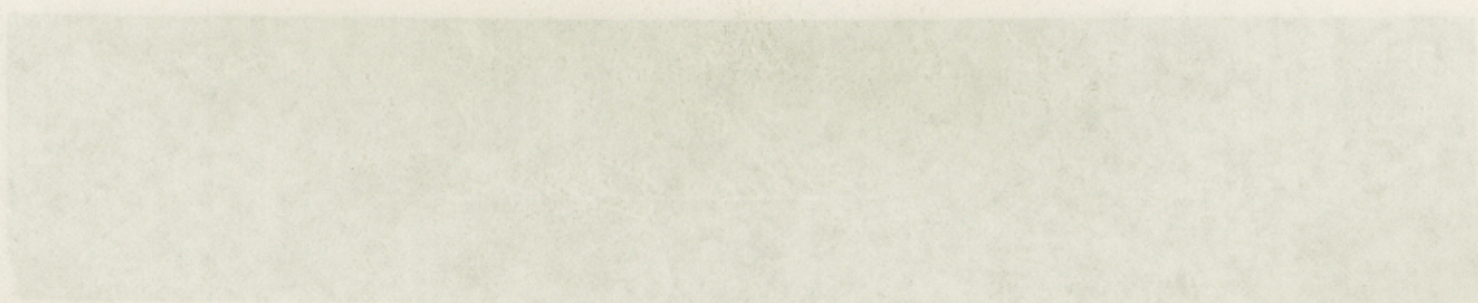
THE STATE OF TEXAS
COUNTY OF GALVESTON



on the _____ day of _____ 19____
in Case No. _____ entitled _____
GEORGE B. DEWAY
Plaintiff, _____ and _____
INDIABILLE DABRIDGE BILBOY, ET AL
Defendants, _____ and entered on the minutes of said Court on page _____
of Book No. _____ as appears of record maintained in my office

Witness my official signature and seal of the said District Court at office
in Galveston, Texas this _____ day of _____ 19____

H. H. THACKER
Judge District Court, Galveston County, Texas
Pauline F. Burke
Pauline F. Burke
County Clerk



SAN ANTONIO GMF TX 782

SAN ANTONIO GMF TX 782

19

APR

1988

PM



PM

J. E. MORTENSEN
 P. O. BOX 111
 UVALDE, TEXAS 78801

*Mr. Herman F. Forbes
 Surveying Division
 General Land Office
 SFA Bldg.
 1700 N. CONGRESS AVE
 AUSTIN TX 78701*

counter 23652