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THE OFFICE OF HAROLD L. BURLESON
LICENSED STATE LAND SURVEYOR
2215 Pine Street
Waco, Texas

Harold L. Burleson
Licensed State Land Surveyor

July 28, 1966

To: The Office of the Land Commission
General Land Office
Austin, Texas

Report of Corrected Survey
of 320 Acres for the Assignees
of Thornton P. Kuykendall
Leon County, Texas

This Survey was begun by an extensive search of the Leon County Surveyor's and Deed Records with the assistance of Leon County Abstract Company files and a check of the Robertson County Records because Leon County was a part of Robertson Land District at the time of some of the adjacent surveys, all of which I found were transcribed in the Leon County Records; also copies were obtained of all Records pertinent to this survey, as well as those of record in the General Land Office.

Continuing this survey, I compiled a working sketch of the area of this survey from all of the material at my disposal.

Upon arriving on the ground, a visual reconnaissance was made on which a 2" iron pipe purported to be the Southwest corner of the Edward Davis 640 acre Survey and the Southeast corner of the G. Sanchez Survey from which corner a 22" black jack tree bears north 18 west, 18.18 varas marked X and facing east. The original field notes of the said Sanchez Survey called for its southeast corner and southwest corner of the Edward Davis 640 acre survey. There is a brush line from the southeast to the southwest corner of the Sanchez Survey as occupied on the ground.

Since from the records the Edward Davis Survey is the senior survey of those involved in the area and since this corner was locatable from the visual inspection, it was decided this would be an appropriate place to begin this Survey.

I ran a line north, crossing a fence at 1059.75 varas, a fence corner

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of a fence running to the west was located East 32.42 varas; this is the occupied line between the G. Sanchez and the Edward Davis 320 acre survey; continuing North at 1220.7 varas, a fence corner of a fence to the East was located East 28.71 varas; continuing North, set intersection hubs at 1948.5 varas, at 1977 varas and at 1988.2 varas; at latter point passed a county road to the east; this road is purported to be out of the Edward Davis 640 acre Survey; continuing North with the West margin of the County road which is purported to be out of the T. P. Kuykendall Survey leaving this road as it turns to a northwesterly direction at 2587.5 varas; continuing north at 2694 varas, the occupied Northwest corner of the Jessie Johnson 120 acre tract continuing north at 2865.5 varas; and at 2973.1 varas, intersection hubs were set so the northeast corner of the Edward Davis 320 acre survey and the Southeast corner of the W. L. McNeeley 35.2 acre survey may be located; continuing north at 3448.5 varas and at 3550 varas and 3650 varas set intersection hubs, at 3769.3 varas set a hub, turned right angle to east and found $\frac{1}{2}$ " reinforcing rod set for southwest corner of the W. C. Marcus tract at 74.67 varas. Said corner being referred to in a Warranty Deed from Roe Curtis, et al, to W. C. Marcus dated May 15, 1965, of record in Vol. 326 page 199 of the Leon County Deed Records.

Since the Ferdinand C. Booker 1/3 League Survey is the second oldest survey in this area, it was imperative that its South Line be run at this time. Remembering in the reconnaissance at the beginning of this survey, it was noted that several concrete monuments were located at the Northeast corner of the Thomas T. McIver 441 acre survey. From the Leon County Deed Records, it was noted that a survey had been made of an 81 acre tract about the first of the year 1963, evidence of this survey is shown in a warranty deed from Joe Sparks, et ux to Edison Starkey dated February 25, 1963, and found the record in Volume 301, Pages 75 and 76 of the Leon County Deed Records. It was later determined

that this survey was made by Ben H. Faber, Registered Public Surveyor No. 1156 and Leon County Surveyor of Flynn, Texas (Mr. Faber is now deceased).

It was found that in this survey, Mr. Faber had made an investigation of the McIver Survey, running the line between the McIver and the John Chambers Surveys. This line having a call in the original field notes of North 10 East 1580 varas, he found it to be North 10 East 1580 varas and it was found in this survey to be North 10 East 1580 varas.

This call is an original call given by John Patrick, Deputy Surveyor for the Robertson Land District under the direction of T. P. Philpott, District Surveyor for Robertson Land District, in his survey of 441 acres for Thomas T. McIver on November 13, 1850. Further calls from this survey retraced by Mr. Faber and this Surveyor in reverse order from the original Survey are West 370 varas and North 130 varas at which points Mr. Faber set 4" X 4" concrete Monuments.

However, Mr. Faber continued North along the East boundry line of the F. C. Booker Survey and the West boundry line of the John R. Trimmell 221 acre survey 343 varas and set a 4"X4" concrete monument for the Northeast corner of his survey. This survey continued North along the same lines passed a 3/4" iron pipe at 1070 varas continuing the same course pass a 48" walnut tree purported to be the corner between the said Trimmell and the Sion Smart 300 acre survey at 1589 varas; pass a fence corner the occupied line between the tracks of F. Thomas and E. J. Evans on the Booker survey; continuing to 2435 varas a creek and at 2499 varas another creek. These two creeks converge shortly to the east. The area of these creeks is a flat bottom with many drains. Continuing North at 3055 varas a fence line at 3064 varas a 2" galvanized iron pipe at 3093.8 varas another 2" galvanized iron pipe.

It was determined later that these pipes were set by Mr. Herbert Allison, Registered Public Surveyor No. 1310 for the Northwest corner of the said Smart and the Northeast corner of the said Booker Survey respectively. Note the creek is 115 varas too far to the south from the Northwest corner of the said Booker Survey and that the dimension would be 2963.8 varas against the original call of 2886.7 varas showing a possible excess of 77 varas if Mr. Faber's 4" X 4" concrete monument is taken as the Southeast corner of the said F. D. Booker Survey.

At this point it seemed advisable to run the South line of the Booker from this assumed corner as set by Mr. Faber's (his intermediate Monument) on a bearing of due West pass a 4" X 4" concrete Monument at 511.6 varas in a fence between the Sparks and Benny Beck tracts; at 1015 varas pass a fence separating the Benny Beck and William Holland Estate on the said McIver Survey; continuing West set intersection hub 1402 varas, the call distance in Mr. Patrick's field notes for the North boundary line for the Thomas T. McIver's Survey; continuing West at 1569.4 varas crossing a fence line the occupied line between the said William Holland Estate purported to be in the Thomas T. McIver survey and that purported to be in the Thornton P. Kuykendall survey; continuing West pass a fence at 1960.8 varas separating the Holland Estate and the W. O. Barrett Estate as occupied; at 2625.88 varas intersected the line previously running from the Southwest corner of the Edward Davis 640 acre tract, at 3557.6 varas from its beginning; continuing West at 2921 varas, the center line of a county road at 2942 varas a fence corner being the occupied Northeast corner of W. P. Evans Survey abstract No. 259 and the Southeast corner of the McKenney-Williams Survey abstract No. 621; continuing West at 3389 varas, a fence corner between the Earnest Williams 55 acre tract and the remainder of the W. P. Evans Survey now owned by J. E. Evans; continuing West, cross a creek at 4170 varas and at 4296 varas, a fence line, the purported

West line of the McKinney-Williams Survey. This fence terminates to the north of this line and the termination point of this line is a projection of the fence.

At this time it seemed practical to make a run along the Booker West line. It was convenient to run this line at 2921 varas on the South line of the Booker from the monument assumed to be its Southeast corner. Thence running North at 435 varas, pass center line of Keechi Creek (the channel of this creek seems to have been straightened to facilitate passage of run off water under a bridge) there is some evidence on the ground that the channel might have been at the called 350 varas along the finally located West line of this survey. This evidence is not conclusive in the opinion of this Surveyor. Continuing North 1362 varas, a fence line, the occupied north line of the W. Q. Barrett 79 acre tract in the Booker Survey. No trace was found for Northeast corner of the McKinney-Williams Survey abstract No. 621 and the Southeast corner of the D. Robbins Survey abstract No. 739, continuing North to 2371 varas, a rock was found West 49.34 varas. This rock was set by Mr. Herbert Allison many years ago in a survey of 180 acres for E. J. Evans in the McKinney-Williams Survey, Abstract No. 627 and called the Southeast corner of said survey and to be on the West line of the F. C. Booker. Since in the reconnaissance of the area, no tract of a monument or its accessories were found for the Northwest corner of the F. C. Booker Survey, it was decided to terminate this line at this point.

Having located the occupied Southwest corner of the Edward Davis 640 acre Survey and the rock set by Mr. Allison and projecting lines and ties obtained from The General Land Office Records on the E. Davis 320 Acre Survey and W. L. McNeely 35.2 Acre Survey and the F.C. Booker 1/3 League Survey, it is found that the distance along the McNeely North line should be 315 varas. From the Booker Survey, Mr. Edward Davis, the

Surveyor, calling to go N 12 W from the Northwest corner of the Davis 640 Acre Survey 1590 varas to the beginning or Southwest corner of the Booker Survey that is, by calculation, 1555.25 varas North and 330.58 varas West to said Booker corner and the measurements of this Survey show 344.46 varas. Since this discrepancy exists, the location of the Northeast corner of the E. Davis 320 acre was desirable. To locate this corner, a line was run beginning at 2865.5 varas from the Southwest corner of the E. Davis 640 acre Survey, bearing due West at 1022.88 varas and 57 varas North, a 36" black jack tree marked D was found (a call of 6" black jack tree marked "D" bears N 57 E 1.9 varas is found in the original field notes) locating the Northwest corner at 1024.47 varas West and 55.97 varas North from beginning of this line.

Since the Northwest corner of the Edward Davis 640 Acre Survey was not located from the South or by visual inspection, it was necessary to make that location from the Northeast corner of the Edward Davis 640 Acre Survey.

Beginning at an iron pin, purported to have been set by Johnson and Fountain Surveyors, Palestine, Texas, described in a Warranty Deed from B. D. Murff to Ray Carrigan, dated January 15, 1966 and recorded in Vol. 332, page 571, Leon County, Texas, Deed Records, and running West along and with a dirt road crossing to its North side at 700 varas; passing a 4" concrete monument at 760 varas for the northeast corner of a 4.540 acre tract called First Tract in a deed from B. D. Murff, et ux, to Robert W. Krug, dated May 28, 1963, recorded in Vol. 304, page 653, Deed Records, Leon County, Texas, and from which corner, a 10" Elm marked X bears S 33 W 34.67 varas and 16" P.O. marked X bears S 55 W 40.2 varas; continuing West, passing the North and South fence line, which is the occupied division line between the lands called to be in the McIver Survey and the T. P. Kuykendall Survey at 928.00 varas;

continuing West, pass a 4" concrete monument for the Northwest corner of the 4.540 acre tract and the Northeast corner of a 12.804 acre tract called the Second Tract in the above mentioned deed from which corner a 12" pin oak marked X bears S65° E 1.98 varas and a 7" Hickory marked X bears S 8 W 10.48 varas; continuing West, passing a 14" P. O. 1121.5 varas and blazed on both sides in the manner used by surveyors to mark lines and a P. O. snag at 1295.0 varas being blazed in the same manner; continuing West at 1483.0 varas, passing a 4" concrete monument for the Northwest corner of the above mentioned 12.804 acre tract from which corner at 12" pin oak marked X bears S 36 W 22.46 varas; continuing West, pass a creek, a tributary of Keechi Creek, at 1644.0 varas; continuing West, pass the center line of a dirt road 1965 varas, intersected the line of the E. Davis 320 acre Survey at 1983.88 varas and at 1986.60 varas from the Southwest corner of the E. Davis 640 Survey, leaving only the West line of the McIver Survey to be run to bound the T. P. Kuykendall Survey.

It was decided more information could be obtained by running a random line on an off set 167.4 varas from the called distance of the North line of the McIver Survey. Running South from a point West 1569.4 varas from the assumed Southeast corner of the F. C. Booker Survey which is also a corner of the McIver Survey, at 26.4 varas and 2.0 varas West, pass the Southeast corner of the Emma Holland tract, called 17 acres, and the north line of the Lewis Collins tract, called 65 acres; continuing South crossing said fence at 250 varas; at 376.2 varas the fence was 2 varas East; at 626.5 varas, 3.6 varas East the occupied Southwest corner of the William Holland Estate; at 730 varas, pass creek, 5 varas wide and 5 feet deep; at 831 varas and East 3.6 varas, pass Southeast corner of the Lewis Collins tract and the Northeast corner of the Jessie Johnson tract (called 120 acre) as occupied on the ground; at 1571 intersected the North line of the Edward Davis

640 acre Survey at a point 928 varas West from its Northeast corner.

According to prior field notes of this; the T. P. Kuykendall Survey, made by H. A. McWhorter, Deputy Surveyor for the Robertson Land District, March 13, 1857, under the direction of Thomas J. Oliver, District Surveyor for the Robertson Land District. It is found that he calls to begin at the Northwest corner of the Edward Davis 640 acre Survey (May 28, 1839). None of the original witness trees for this corner or for any of the corners of this survey were found. Then, Mr. McWhorter says he runs North 1630 varas to the South boundary line of the F. C. Booker Survey. No mention is made of the Edward Davis 320 acre Survey dated March 25, 1840, which seems to be senior to Mr. McWhorter's Survey. And of course, there is no mention of the W. L. McNeely 35½ acre survey which is shown to have been made September 22, 1891, by James A. Brown, County Surveyor for Leon County, Texas. At this point for verification, it should be mentioned that Mr. Brown states in his field notes that he is running on a variation of 9°30' East which is the only notation of a variation mention in any of the original field notes of any of the surveys examined in preparation for this survey. It also might be appropriate to mention here that Mr. Brown begins his survey at the Northwest corner of the T. P. Kuykendall Survey on the South line of the F. C. Booker Survey. And also calls for Mr. McWhorter's bearing trees for this corner. Mr. McWhorter says he goes East with the South boundary line of said Booker's Survey giving a distance of 1108 varas to the Northwest corner of the Thomas T. McIver Survey. Note that Mr. Patrick, in his field notes on January 16, 1850, calls for his Northwest corner to be in Booker's line. Then Mr. McWhorter says he goes South with the West boundary line 1630 varas to the Southwest corner of same on the North boundary line of the E. Davis 640 acres survey in contrast with Mr. Patrick's field notes in which he begins at a point that by deduction should be the North boundary line of the E. Davis 640 acre Survey

from which he ran North 1571 varas to a stake in Booker's line.

Mr. McWhorter says he then runs West with Davis North boundry line 1108 varas to the place of beginning.

From the investigation performed on the ground by this Surveyor, it was found that Mr. Davis, who surveyed the E. Davis 640 acre Survey, the E. Davis 320 acre Survey and the Ferdinand C. Booker 1/3 League Survey show a comparative excess in their various calls. In Mr. Davis's survey, his hearings seem to be in agreement. In Mr. Davis's Survey of the Edward Davis 640 acre survey North and South distance seem to be 1985.94 varas while the East and West distances seems to be 1983.88 varas which are comparable under the unfavorable conditions that might have existed at the time of the survey showing some 83 to 85 varas excess per mile. In his Survey of the Edward Davis 320 acre Survey on the East boundry line 1966.75 varas which shows some 66.75 varas exeess per mile. In the North line of this survey 1022 varas which means that there is an excess of 40.9 varas per mile which does not compare favorably with excess found in the other surveys. On the F. C. Booker 1/3 League Survey, the East line seems to be 2963.8 varas and on the South line 2959.81 varas which is from 52 to 53 varas excess per mile, Mr. John Patrick's work in so far as it has been preserved in the field by successive surveyors seem to be the most reliable work found and its weight is being taken in this survey.

Here it is shown that Mr. Patrick gives a distance of 1402 varas from the Southeast corner of the F. C. Booker survey to the Northwest corner of his McIver Survey and the deeds out of the McIver Survey reflect that distance until Mr. Jim Beck and Mr. W. M. Holland divide a tract which they bought from W. D. Wood in warranty deed dated November 6, 1899, and recorded in Vol. 8 page 290 Leon County, Texas, Deed Records, in which Mr. Woods shows that he sold Mr. Beck and Mr. Holland 860 varas

along the North boundry line of the T. T. McIver Survey. This deed together with the deed from Jim Beck to D. W. Sparks dated November 1, 1902, and recorded in Vol. 12 page 448 Deed Records, Leon County, Texas, in which is conveyed 542 varas along said boundry line showing an aggregate of 1402 varas was maintained to 1902. In their division of their tract Mr. Holland conveys to Mr. Beck 502 along the North Line of the McIver in a deed dated February 28, 1903, and recorded in Vol. 12, page 554, Deed Records of Leon County, Texas. Mr. Beck conveys to Mr. Holland 550 varas along the North line of said McIver Survey in a deed dated February 21, 1903, and recorded in Vol. 13, page 385, said Deed Records. The said Sparks tract is in the Northeast corner of the McIver Survey, the Beck tract falls in the North center of the survey and the Holland tract falls in the Northwest corner of the survey showing an aggregate distance of 1594 varas. It was noted that in this survey that the 542 varas in the Sparks place on the ground only measured 511.2 varas showing a shortage of about 31 varas. The 31 varas subtracted from the aggregate of 1594 varas which is derived from the addition of the 542, 502 and 550 shown in the afore said deeds, leaves 1563 varas which compares very favorably with the 1569.4 varas found in the occupancy on the North line of the McIver Survey and also shows the reason for our determination of the West boundry line of the McIver Survey. This agrees with Mr. Patricks call for 760 varas from the Northeast corner of the Edward Davis 640 acre Survey to the Southwest corner of his McIver Survey. Mr. Patrick found 1571 varas along the West boundry line of the said McIver survey and this Surveyor found the same.

From the description in the original field notes and from the information obtained from the several boundry lines run by this surveyor on the ground the following construction seems most logical.

Beginning at a four (4) inch concrete monument for the Northwest corner of the Edward Davis 640 acre survey; Leon County, Texas, Abstract No. 243;

the same being in the East boundary line of the Edward Davis 320 acre survey; Leon County Texas, Abstract No. 242; from which corner an 8" ash marked X bears S 19 30' E 5.3 varas, a 14" water elm marked X bears S 1 E 8.5 varas and a 12" hickory marked X bears N 23 W 7.7 varas.

THENCE:

North along and with the East boundary line of the said Edward Davis 320 acre survey, passing its Northeast corner and the Southeast corner of the William McNeely 36 acre Survey; Leon County, Texas, Abstract No. 1237 at 941 varas, continuing same course in all a distance of 1,571 varas to a four (4) inch concrete monument for the Northeast corner of said McNeely survey in the South Boundary line of the Ferdinand C. Booker 1/3 league survey; Leon County, Texas, Abstract No. 64; from which corner an 18" live oak marked X bears N 12 E 15.6 varas and a 22" live oak marked X bears N 43 W 22.4 varas.

THENCE:

East along and with the South boundary line of the said Ferdinand C. Booker survey a distance of 1,223.88 varas to a four (4) inch concrete monument for the Northwest corner of the Thomas T. McIver 441 acre survey; Leon County, Texas, Abstract No. 549; from which corner a 28" post oak marked X bears S 23 E 60.6 varas and a 16" post oak marked X bears N 65 W 15.6 varas

THENCE:

South along and with the West boundary line of the said Thomas T. McIver survey a distance of 1,571 varas to a four (4) inch concrete monument the Southwest corner of said McIver survey in the North boundary line of the said Edward Davis 640 acre survey; from which corner a 10" Elm marked X bears S 33 W 34.67 varas and a 16" post oak marked X bears S 55 W 40.2 varas.

THENCE:

West along and with the North Boundary line of the said Edward Davis 640

acre survey, a distance of 1,223.88 varas, to the place of beginning.

However, after having consulted with the Commissioner of the General Land Office, it was ascertained that this track of land containing 340.583 acres of land cannot be patented over Donation Warrant No. 486 issued to Thornton P. Kuykendall because it allows Mr. Kuykendall only 320 acres; therefore, a new survey containing only 320 acres is hereby submitted with the following construction:

BEGINNING at a four (4) inch concrete monument for the Northwest corner of the Edward Davis 640 acre survey; Leon County, Texas abstract No. 243; the same being in the East boundary line of the Edward Davis 320 acre survey; Leon County, Texas abstract No. 242; from which corner an 8" ash marked X bears S 19 30' E 513 varas, and a 14" water elm marked X bears S 1 E 8.5 varas and a 12" hickory marked X bears N 23 W 7.7 varas.

THENCE:

North along and with the East boundary line of the said Edward Davis 320 acre Survey, passing its Northeast corner and the Southeast corner of the W. L. McNeeley 35.5 acre Survey; Leon County, Texas abstract No. 1237 at 941 varas, continuing same course in all a distance of 1,571 varas to a four (4) inch concrete monument for the Northeast corner of said McNeeley survey in the South boundary line of the Ferdinand C. Booker 1/3 League Survey; Leon County, Texas abstract No. 64; from which corner an 18" live oak marked X bears N 12 E 15.6 varas, a 22" live oak marked X bears N 43 W 22.4 varas.

THENCE:

East along and with the South boundary line of the said Ferdinand C. Booker survey a distance of 1,149.92 varas to a four (4) inch concrete monument for the Northeast corner of this survey, from which corner a 28" post oak treemarked X bears S 60 E 112.3 varas and a 16" post oak marked X bears N 72 E 61.75 varas.

THENCE:

South a distance of 1,571 varas to a four (4) inch concrete monument the Southeast corner of this survey in the North boundary line of the said Edward Davis 640 acre survey; from which corner an 18" post oak marked X bears S 46 E 3.3 varas and another post oak marked X bears S 80 W 6.5 varas.

THENCE:

West along and with the North boundary line of the said Edward Davis 640 acre survey a distance of 1,149.92 varas.

Variation 9 30' E

Jessie Johnson

Surveyed July 28, 1966

James B. Burleson

I, Harold L. Burleson, Licensed State Land Surveyor of McLennan County, Texas, do hereby certify that the foregoing report of a survey made on the ground by me, according to Law, on the date and with the Chain Carriers aforesaid, duly qualified and that the Limits, Corners, and Boundaries with the Marks of the same, Natural and artificial, are truly and correctly described and set forth in the foregoing report just as I found them on the ground.

Harold L. Burleson
H. L. Burleson
Licensed State Land Surveyor

Licensed State Land Surveyor

H. L. Burlison

Just as I found them on the ground.

truly and correctly described and set forth in the foregoing report

Boundaries with the Marks of the same, Natural and artificial, are

Carriers aforesaid, duly qualified and that the Limits, Corners, and

the Ground by me, according to law, on the date and with the Chain

Texas, do hereby certify that the foregoing report of a survey made on

West along and North boundary line of the said Edward Davis

James B. Burlison

Jessie Johnson

File No. 35 - 1

LEON County

Sketch File

Filed Aug. 5 1966

JERRY SADLER, Com'r

By H. L. Burlison

Thornton P. Keykendall

Robertson D-911

Surveyed July 26, 1966

By H. L. Burlison

Sketch Attached

THENCE: West along and North boundary line of the said Edward Davis

varies.

X bears S 40 E 3.3 varies and another post oak marked X bears S 80 W 0.2

Edward Davis 040 acre survey; from which corner an 18" post oak marked

southeast corner of this survey in the North boundary line of the said

South a distance of 1.271 varies to a four (4) inch concrete monument the

THENCE: