

# PIPER SURVEYING CO.

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Member: Texas Surveyors Association,  
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February 8, 1993

Garry Mauro, Land Commissioner  
General Land Office  
Stephen F. Austin Bldg., 1700 Congress Ave.  
Austin, Texas 78701

Attention: C. B. Thomson, LSLs, Director of Surveying

Re: Surveyors Report on the Portions of McFarland, Haby, and Ford  
Ranches, McCulloch County, Texas

Dear Mr. Thomson:

## INTRODUCTION

This survey which covers the McFarland Ranch, Haby Ranch, and a portion of the Ford Ranch is located some 15 miles southwest of Brady, Texas within the old Bexar Land District. The terrain is typical of this part of central Texas with rolling hills and creeks, covered with mesquite and various oak brushes and trees. The land is being utilized for grazing and hunting at the present time. These surveys were originally surveyed as part of the Giddings' District No. 3 of the Fisher and Miller's Colony.

## PURPOSE OF SURVEY

Greystone Engineering, Inc. (Ronald Weeks Jones) and Piper Surveying Co. (myself) were appointed as surveyors for the Court by Judge Murray Jordan on the 23rd day of March, 1989 in the Case of Lucille McFarland and Walter Haby vs Homer Haby in 198th Judicial District Court. The purpose for the survey was to partition the undivided interest of Lucille McFarland and the Estate of Walter Haby from Homer Haby Sr. and Howard Haby, Jr. (Intervenor).

## RECORDS SEARCHED

The General Land Office records were researched, with all file jackets pulled on the subject surveys and all adjoining surveys. Copies were made of the original field notes and any corrected field notes. Also, the roll sketches and sketch files, correspondence files, and old working sketch files were pulled covering this area and copies were made of all pertinent information. The field notes of each survey were plotted on a working sketch. Additional research was done in the private records of W. P. Doty, County Surveyor of McCulloch County, and F. M. Newman, Lawyer. These records are in possession of Jordan and McCollum Abstractors, Inc. Also, micro-film of George W. Williams', State Surveyor, Southern Pacific field books, and maps of this area were studied. Mr. Williams was performing retracement surveys in the year of 1897 in this area and other areas which included surveys made for the H. & T.C. R.R. Company.

Surveyor's Report of Survey of Portions of  
McFarland, Haby & Ford Ranches  
Sketch File 15  
Filed March 30  
GARRY MAURO, Com'r  
By Douglas Howard  
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### FISHER AND MILLER COLONY

The following information is a brief history of the Fisher and Miller Colony compiled by the General Land Office:

On June 19, 1842, Henry Francis Fisher and Burchard Miller received the colonization contract under legislation passed Feb. 5, 1842. This contract was renewed September 1, 1843. On June 26, 1844, the Society for the Protection of German Immigrants to Texas purchased an interest in the colonization contract. Their agreement provided in part that the Society was to take the place of Fisher and Miller in the colonization contract. On December 30, 1845, Fisher and Miller transferred the contract to John O. Meusebach, trustee for the German Immigration Company. On August 6, 1848, the contract was transferred to the German Colonization Society.

The terms of the original contract included the following provisions:

1. 600 families and single men were to be introduced;
2. Each family was to receive 640 acres and each single man was to receive 320 acres of land;
3. Colonists were required to build a cabin, a fence, and cultivate 15 acres before receiving title;
4. Fisher and Miller were to receive ten sections for every 100 families and ten half sections for every hundred single men;
5. Fisher and Miller were to survey within three years all lands required for the settlement as well as premium lands.

Most of the colonists were introduced between 1845 and 1848. In 1853, after introducing over 7000 colonists, the German Immigrant Company relinquished all of its property to its creditors. This came after several years of problems from lawsuits, debt, and legislation concerning the colony, as well as a general failure of attempts to establish settlements in the actual area specified for the colony. Most of the immigrants settled in the areas of New Braunfels and Fredricksburg, which had been established as transition settlements.

Because of the various difficulties which had developed, legislation was passed on March 20, 1848, to help assist the colonists in obtaining the lands to which they were entitled under the colonization contract. This law authorized the governor to appoint commissioners to issue certificates to the colonists. The colonists were required to apply to the commissioner and take an oath that they had come to Texas under the Fisher and Miller contract. Another similar act was passed on January 20, 1850. Five commissioners were appointed from 1845 and 1855 under these acts to issue certificates: Stephen Crosby, W.F. Evans, Joseph P. Portis, Granville Sherman, and John Muesebach.

### ORIGINAL SURVEYS

Our area was originally surveyed by J.J. Giddings in the spring of 1847 for the Fisher and Miller Colony. The records indicate that Mr. Giddings was attempting to locate alternate one mile squares (sections), one comprised of 640 acres primarily to locate the Fisher and Miller Colony certificates and another comprised of two surveys of

320 acres each (typically being a north and south half section) for the German immigrants. In some cases, he also located four surveys of 160 acres each, being one quarter of a one half mile square (quarter sections) for the immigrants. These smaller size tracts were required since, in many cases, the immigrants were obligated to sign over half of their ownership in turn for their ship's passage to Texas. Many unclaimed or vacant lands remained scattered through the Fisher and Miller Colony, because some claims were not validated and Giddings was surveying one survey for every one immigrant survey, not the required one to ten ratio. These unsurveyed/vacant tracts of land were later surveyed by other identities, primarily the railroads, and land script agents under various acts.

The surveys made by J. J. Giddings in our area of interest are as follows: J. F. Wilhelm Survey 128; G. Vollmar Survey 138; Friedrich Bader Surveys 168 and 169; George Dietz Surveys 172 and 173; C. L. Boethe Surveys 174 and 175; J. Mueller Surveys 176 and 177; Heinrich Richter Surveys 178 and 179; F. Rinkel Surveys 180 and 181; August Bering Surveys 230 and 231; and the Fisher and Miller Surveys 2196, 2226, and 2230.

By studying the working sketch and field notes of Mr. Giddings, it can be determined that he ran some but not all of the lines on the ground. At each of the corners that he located on the ground, he gives at least two witness calls for trees, usually being a type of oak or mesquite tree found in our area of interest. The corners which he did not locate on the ground he simply called for a stake with no witnesses and gives no passing calls on any lines passing through these corners. Determined from the past problems in the area and the passing calls in the field notes, most of Giddings' lines were measured from north to south and/or south to north. We have two exceptions to this rule; on the common north boundary line of Fisher and Miller Survey 2230 and the south boundary line of Friedrich Bader Survey 169, where he has three passing calls for branches on that line and on the next line west, being the south boundary line of Fisher and Miller Survey 2196, where he calls for witnesses at the west end of that line and none at the first corner north and south of this point.

In March, 1873, George W. Angle surveyed several sections in our area of interest. Included are Houston and Texas Central Railway Company Surveys 29, 30, 31, 32, and 68. Please note that Surveys 30, 32, and 68 were surveyed for the State and sold for the Public School Fund. These surveys are in checker board pattern with the previous surveys made by J. J. Giddings. Mr. Angle calls his beginnings at and to be common to several corners previously established by himself the same day and previously by Mr. Giddings. At each of these corners where Mr. Giddings called for witnesses, he calls for the same identical witnesses at the same bearing and distances. At corners where Giddings calls for no witnesses, he calls for no witnesses and he calls for the same courses between each corner. Based on these facts, I believe that these notes were only compiled from J. J. Giddings' previous notes and are in fact only an office survey.

In January and November of 1882, Charles Harcourt surveyed G.C. & S.F. Ry. Co. Survey 3 & 4; and Maddox Bros. and Anderson Survey 139. On the G.C. & S.F. Ry. Co. Surveys, he calls for witnesses not previously called for in field notes by J.J. Giddings. However, on the last of these surveys he calls for only the previously called for witnesses by Giddings and strikes out the words "by me" in the certificate that he signs and shows the original May 8, 1847, survey date and November 21, 1882, as the resurveyed date. This could possibly raise the question whether or not he was truly on the ground for Survey 139.

In February 1883, F. G. Carroll surveyed H. & T.C. RR. Co. Surveys 27 and 28. He calls for the same witnesses as does J. J. Giddings' field notes with no monuments, witnesses, or calls added. Therefore, I believe that these notes represent only an office survey or compiled notes based on Giddings.

#### CORRECTED FIELD NOTE SURVEYS

To this point in time, everyone had described all the surveys as east by west and north by south and exactly 1900 varas or 950 varas in length and containing 640 or 320 acres of land.

In July, 1893, at Brady, Texas the following men signed a map of a portion of McCulloch County: Charles Harcourt, County Attorney and Exe County Surveyor; F.M. Carroll, Exe County Surveyor; and R.S. Dod, County Surveyor of McCulloch County. The map shows a multitude of discrepancies in the alignment of the surveys in that part of J.J. Giddings' Fisher and Miller Surveys around Brady and to the northwest and southwest of Brady. Included on the map are several notes. One note states "From actual surveys made by me in McCulloch County for the past 15 years. I consider the above plat substantially correct and as I found the corners, lines, and boundaries on the ground." signed under by Harcourt and Carroll. Another note states "Map of a portion of McCulloch County showing the traces of the Original Survey as found on the ground by actual survey by R.S. Dod, County Surveyor." This map was also filed in the General Land Office as Sketch File No. 4, McCulloch County on November 11, 1894.

In the spring of 1897, George W. Williams, State Surveyor, working for the Southern Pacific Railroad, assignee to the H. & T.C. RR. Co., was in our area of interest. He was retracing several of the H. & T.C. RR. Surveys as shown in his field book No. 247 and the plats which he prepared. They show the same problems which we have found and many similar problems in McCulloch County. These records are part of the Southern Pacific Records which have been micro filmed by many of the oil companies of which I have access. No corrected field notes were filed in conjunction with this work, because all of the railroad sections had been previously patented under the Railroad Scripts.

In our area of interest, the Corrected Field Notes and Scrap File Field Notes which are filed or recorded are as follows:

1. G.R. White Survey 1 1/2, Abst. 2287, surveyed by W.P. Doty on March 12, 1903. This survey is a triangular shape located north of John H. Gibson Survey 1 in the extreme north part of our area of interest. It was surveyed as Scrap File 4869 between the Gibson Survey and Friedrich Tegge Survey 182.

2. G.R. White Survey 4 1/2, surveyed by W. P. Doty on March 12, 1903. This survey is a narrow strip of land located between James Ford Survey 4, Abst. 1943 on the south side and G. & B. N. Co. Survey 40, Abst. 437 on the north side and was surveyed as Scrap File 4870.
3. South half of H. & T.C. RR. Co. Survey 26, Abst. 2098, originally surveyed as State School Section by H. & T.C. RR. Co., resurveyed for Johanna F. Wilhelm by W.P. Doty on October 22, 1912.
4. North half of H. & T. C. RR. Co. Survey 26, Abst. 1606, originally surveyed as State School Section by H. & T.C. RR. Co., resurveyed for J.F. Wilhelm by W.P. Doty on October 22, 1912.
5. J.F. Wilhelm Survey 68, Abst. 1801, originally surveyed for H. & T.C. RR. Co. by George W. Angle as a State School Section, resurveyed by W.P. Doty on October 23, 1912.
6. J.F. Wilhelm Survey 30, Abst. 1802, originally surveyed for H. & T.C. RR. Co. by George W. Angle as a State School Section, resurveyed by W.P. Doty on October 23, 1912.

All of these corrected field notes and field notes by W.P. Doty call for original monuments found and monuments set and witness trees both old and new. Also, J. F. Wilhelm Surveys 30 and 68, describes an inverted north and south misalignment on the east line of Survey 30 and the west line of Survey 68. These field notes describe the north boundary line of Survey 30 as S68°15'E 2045 varas and the north and south boundary lines of Survey 68 as S68°W 2050 varas and N68°E 2050 varas respectively.

This problem is also described in a letter from F. M. Newman, Lawyer, of Brady, McCulloch County, Texas to Hon. J.J. Terrell, Commissioner of the General Land Office which is filed as Sketch File 8, McCulloch County. The third paragraph of the letter discusses this problem as follows: (grammar and punctuation corrected for clarity)

"In regards to the conflict between Fisher and Miller Survey 2226 and the Geo. Dietz Survey 172, I am not able to say exactly where the real conflict is, because I cannot find that any surveyor has worked the matter out fully. Both tracts belong to the same party and the party has not gone to the expense of having the matter fully investigated by surveyors. I am inclined to think that the loss should be on Survey 2226. The enclosed map squares 172 and 173 from the corners on the east and leaves no conflict with 2226. This was probably done because no corners could be found on the west and the surveys were put in by course and distance from the east, which is generally the correct rule to go by and may be in this case and will be if nothing can be found to shove the west side down. The only thing I find to indicate that the shortage in the line between the well known corner at the southwest corner of Bader Survey 168 (which is one mile south of the southwest corner of Survey 2226) and the well known corner at the northeast corner of Boethe Survey 175 (which should be one mile north of the northwest corner of Survey 173) is in Survey 2226 is the fact that Mr. Dod (on the plat book I have and that you had for some time)

indicates that the branch that is called for to be 410 varas south of the northwest corner of 2226 (this call is in field notes for Survey 138, west of Survey 2226) and 1490 varas north of the southwest corner of Survey 2226, to be 600 or 700 varas north of the southwest corner of Survey 2226. I do not have the exact distance. If no corners can be found between said two old and well established corners (southwest Survey 168 and northeast corner of Survey 175) it is probable that the shortage should be placed as on the enclosed map and Mr. Dod ran the line and found no corners. It would probably be nearer right, till more information is had, to map the surveys as on enclosed map. The Dietz and Boethe Surveys will not corner together but there is an error somewhere and that will make shortage in the junior survey."

Please note that Survey 68 was not shortened on the patented Corrected Field Notes of Survey 68 by W.P. Doty as described above.

#### CORNERS FOUND AND LOCATED ON THE GROUND

The following describes the corners that we found in the field and how we identified them and other pertinent information. The corners can be keyed by the letter to the left and the same letter shown adjacent to the corner on our map.

A. The southwest corner of the south half of Johanna Wilhelm Survey 26 was located at a point from whence a 17" live oak bears N41°W, a distance of 42 varas as called for by W.P. Doty in field notes at the southwest corner of said south half. The other witness calling for a 14" live oak could not be found. Note that this point is now 0.91 varas north of a fence.

B. The southwest corner of H. & T. C. RR. Survey 27 was located at a scattered stone mound set by W.P. Doty in 1912, as called for in his field notes at the southeast corner of the south half of Survey 26 as described above in "A". Both witnesses called for by Doty have been destroyed by time. This rock mound's position is excessive in distance according to Doty from Point "A" above, but conforms very closely if you prorate a position from Point "A" to Point "L", the southeast corner of Survey 2230 as described below. This checks very closely to the call of west 3905 varas, in the Partition Deed of Johanna C. Wilhelm's Estate, in the Third Portion along the south boundary lines of Survey 2230 and Survey 27, H. & T.C. Ry. Co.

C. The southwest corner of J. F. Wilhelm Survey 30 was located at a point from whence a "X" cut in a rock bears N30°E as called for in W. P. Doty's field notes on October 23, 1912, of said Survey 30 at the southwest corner. The rock mound and the other witnesses have been destroyed by time. The intervening corners between Points "B" and "C" were searched for but could not be located during this survey. Therefore, their location was reestablished by single proration based on the distances called for in the field notes.

D. The northwest corner of J. F. Wilhelm Survey 30 was located at a stone mound from whence a "X" cut in a rock bears S84°38'56"E a distance of 9 varas found as called for in W. P. Doty's field notes of said Survey 30 on October 23, 1912, at the northwest corner. Doty

calls for the "X" cut in rock bearing S85 1/2°E a distance of 9 1/4 varas. The other witness, a 6" spanish oak, was not located on this survey.

E. The northwest corner of Heinrich Richter Survey 179 was located at the centroid of a very scattered rock mound from whence the center of a large and very dense growth of spanish oak saplings bears N19°36'50"W 23 varas and the center of a dense growth of spanish and live oak saplings bears N3°45'55"W a distance of 25 varas. The field notes of James Ford Survey 4 by Charles Harcourt on January 24, 1882, calls for a stone mound at the northeast corner from whence a 10" spanish oak bears N29°E 20 varas and an 8" live oak bears N6°E 23 varas. The field notes of G.R. White Survey 4 1/2 by W.P. Doty on March 12, 1903, for the southeast corner calls for an 8" live oak bears N6°E 23 varas and 10" spanish oak tree bears N29°E 20 varas (old bearings). Please note that this area has been cleared of trees by chaining or pushing with a caterpillar tractor. The growths of saplings noted above are probably regrowths from the roots or acorns of the original witness trees. The intervening corners between Points "D" and "E" were searched for but could not be located during this survey. Therefore, their location was reestablished by single proration based on the distances called for in the field notes.

F. The northwest corner of F. Rinkel Survey 181, Abst. 1157 was located at the centroid of a very scattered stone mound from whence a stump depression of a downed 20" live oak bears N18°13'03"E, a distance of 33 varas. The field notes of G. R. White Survey 1 1/2 by W.P. Doty on March 12, 1903, calls for a rock mound set for the northwest corner of Survey 181 and the southwest corner of Survey 65, H. & T. C. RR., from whence a 14" live oak bears N14°E 33 3/5 varas (old bearings). Please note that Robert S. Dod was shown as a chain carrier and F.M. Newman was shown as notary public on these notes and the field notes of said Survey 1 1/2.

G. The northeast corner of C. L. Boethe Survey 175, Abst. 94 was located at the centroid of a scattered stone mound on the east side of a shallow draw from whence a 28" live oak bears N30°54'42"E 57.7 varas and a 22" live oak bears N77°23'33"E 32.3 varas. The field notes of said Survey 175 by J.J. Giddings on May 10, 1847, calls for a stake at the northeast corner from whence a 7" live oak bears N77°E 28 varas and an 8" live oak bears N26°E 54 1/2 varas. The corrected field notes of J. F. Wilhelm Survey 68 by W.P. Doty on October 23, 1912, calls for a rock mound set at the northwest corner from whence a 7" live oak bears N77°E 28 varas and an 8" live oak bears N26°E 54.5 varas (old bearings). The intervening corners between Points "F" and "G" were searched for but could not be located during this survey. Therefore, their location was reestablished by single proration based on the distances called for in the field notes.

H. The southwest corner of J. F. Wilhelm Survey 68, Abst. 1801 was located at the center of a 1" iron pipe set in the center of a stone mound with no witnesses found on this survey. The corrected field notes of said Survey 68, and the field notes of J. F. Wilhelm Survey 30 by W.P. Doty on October 23, 1912, call for a rock mound set at their common corner from whence an 8" mesquite bears N73°E 17 1/2

varas and a 12" mesquite bears  $N4\ 1/2^{\circ}E\ 15\ 1/4$  varas. The original notes for Surveys 173 and 174 by J.J. Giddings calls for a stake at their common corner with witness to 2 mesquites which were not found on this survey or any previous survey of record. F.O. Langohr, Registered Public Surveyor, in a survey of Geo. Dietz Surveys 172 and 173, on June 23, 1986, calls for the 1" iron pipe as described above at this corner from whence a mesquite sprout in large stump hole bears  $N4^{\circ}30'E\ 42.36$  feet (15.25 varas).

The intervening corner between Point "G" and "H", being the common east corner of C. L. Boethe Surveys 174 & 175, was searched for but could not be located during this survey. Therefore, its location was reestablished at the midpoint of this line. During our survey work on August 8, 1989, we did locate four large stones on the east side of a creek which we believed were possibly this corner. In the center of the four rocks we set a 60d nail and flagging and tied to two possible witness trees, being an 18" mesquite bearing  $S52^{\circ}17'W\ 52$  varas and a 20" live oak bearing  $N35^{\circ}38'E\ 27$  varas. None of the field notes of Survey 68 call to pass this corner. The field notes of said Survey 174 and 175 by J.J. Giddings on May 10, 1847, call for a 2" live oak bearing  $N50^{\circ}E\ 15$  varas and a 7" mesquite bearing  $S52^{\circ}W\ 50$  varas. The 18" mesquite which we tied to does closely conform to the 7" mesquite called for, but the 20" live oak does not conform to the 2" live oak called for in the field notes. Also, the four large stones do not conform to the location of the corners found to the north and south, being some 45 varas east of line and 12.5 varas north of the midpoint described above. Because of this failure in the relationship to the other monuments found and having only a mesquite witness located, which is not the most reliable, we did not adopt its position.

I. The southwest corner of George Dietz Survey 173, Abst. 212 was located at a point from whence a 36" live oak bears  $N25^{\circ}W\ 47$  varas as found by F.O. Langohr on June 23, 1986. The field notes of George Dietz Survey 172 and 173 by J.J. Giddings on May 10, 1847, call for a stake from whence a 7" live oak bears  $N25^{\circ}W\ 47$  varas and another 6" in diameter bears  $S52^{\circ}W\ 58$  varas.

J. The southwest corner of George Dietz Survey 172, Abst. 211 and the northeast corner of G. Vollmar Survey 138, Abst. 1390 were located at the center of a 3/4" iron pipe found in a stone mound as accepted by F. O. Langhor on June 23, 1986, as being W.P. Doty's monument for the southwest corner of Survey 172. J.J. Giddings calls for a stake from whence a 5" mesquite bears  $N59^{\circ}W\ 29\ 1/2$  varas and a 11" mesquite bears  $S35^{\circ}E\ 95$  varas. Neither could be found. In Giddings' field notes for Survey 138, he calls for a creek at 410 varas along the east line of said Survey 138. We found the creek to check at 434 varas.

K. The southwest corner of Friedrich Bader Survey 168, Abst. 92 was located at a point from whence a 24" dead live oak bears  $N46^{\circ}W\ 11.5$  varas and a burned, dead 14" oak stump 3 foot high bears  $N60^{\circ}W\ 44$  varas. A new 6" iron pipe corner post bears  $S60^{\circ}22'11"W\ 0.55$  varas. The field notes of Surveys 168, 2196, and 2230, by J.J. Giddings in 1847, calls for a stake at their common corner from whence a 9" live oak bears  $N46^{\circ}W\ 11.5$  varas and a 5" live oak bears  $N60^{\circ}W$ . A stone



mound was found at the corner and the same witnesses were found standing by R.L. Barnett, Registered Public Surveyor, in his 1972 survey. This corner is further verified by passing calls to two branches, one to the south and another to the east as called for in Giddings' field notes.

The three intervening corners between Points "J" and "K" were searched for, but could not be located during this survey. Since there is a severe error in the original locations between these corners, being some 750 varas short in distance and 84.5 varas in alignment east and west, several methods were used to search for these corners. Lines were extended from the north and south ends with their bearings based on true north, a project of previous course, and magnetic north allowing for the magnetic declination. Each of the corners were searched for at each of these locations and in approximately a 100 to 200 vara radius. The monuments called for at each of these corners is a stake with only mesquite witnesses, except the southeast corner of Survey 138 which calls for two 4" live oak witnesses of which none could be found. We believe that the correct location of these corners is to connect said points "J" and "K" with a straight line and measure call distances from the north and close on point "K", on the south leaving all the shortage in Friedrich Bader Survey 168. It is obvious that a blunder occurred in a north and south measurement along this line near an east and west baseline on the north line of Survey 2230 and the south line of Survey 2196. The most feasible location of the error would be the last call distance. This construction was also selected because it conforms to J.J. Giddings' passing calls for the branch on the west line of Survey 2226 and the east line of Survey 138, being 1490 varas and 410 varas respectively, at 1466 varas and 434 varas. The southwest corner of said Survey 169 and the northwest corner of Survey 168 could be located by various means, but we believe that the most systematical and correct location would be to continue the call distance construction from the north.

L. The southeast corner of Fisher and Miller Survey 2230, Abst. 297 was located at a point from whence a 21" live oak bears S32°W 10 varas. The field notes of said Survey 2230 by J.J. Giddings calls for a stake from whence an 8" live oak bears S32°W 10 varas and an 8" mesquite bears N45°E 28 varas. The mesquite witness could not be located during our survey, but we referenced a fence corner post which bears N39°32'32"W a distance of 1.54 varas from the corner. The intervening corner between Point "I" and Point "B" described above is located at the midpoint between the said points. From said midpoint a corner fence post bears S62°12'24"W 0.67 varas.

M. The northeast corner of Fisher and Miller Survey 2230, Abst. 297 was located at a point from whence a 26" live oak bears N4°W 47 varas. The field notes of said Survey 2230 and Friedrich Bader, Survey 168, Abst. 92, by J. J. Giddings on June 19, and May 8, 1847, respectively calls for a rock mound at their common east corner from whence an 8" live oak bears N4°W 47 varas.

N. The northeast corner of Friedrich Bader Survey 169, Abst. 91 was located at a point from whence a 15" mesquite stump bears N22°30'W

62.5 varas. The field notes of said Survey 169 and Fisher and Miller Survey 2226, Abst. 271 by J.J. Giddings on May 8, and July 17, 1847, calls for a stake at the common east corner from whence a 5" mesquite tree bears N22 1/2°W 62.5 varas and a 6" live oak bears N6°E 8 varas. The live oak witness was searched for but could not be found during our survey. The intervening corner between points "J" and "K" could not be found, therefore, it was reestablished at the midpoint between points "J" and "K". Please note that these points are located within an area which has been cleared for an electric line.

O. The northeast corner of Fisher and Miller Survey 2226, Abst. 271 was located at a point from whence a 27" live oak bears S3°30'E 86.25 varas and a fence corner post was referenced bearing N64°11'21"E 1.79 varas. The field notes of said Survey 2226 and George Dietz Survey 172, Abst. 211 by J.J. Giddings on July 17, and May 10, 1847, respectively calls for a rock mound at their common east corner from whence an 8" mesquite bears N46 1/2°W 42 1/2 varas and a 10" live oak tree bears S3 1/2°E 86 1/4 varas. Note that the mesquite witness could not be found during our survey.

P. The northeast corner of George Dietz Survey 172, Abst. 211 was located at a point from whence a 24" dead mesquite bears S26°30'W 42.75 varas. The field notes of said Survey 172 and George Dietz Survey 173, Abst. 212 by J.J. Giddings on May 8, 1847, calls for a stake at their common east corner from whence a 6" mesquite bears S26 1/2°W 42 3/4 varas. Note that this mesquite witness was found and accepted by W.P. Doty on June 4, 1909, as shown in his private records in a survey for Clara Wilhelm.

Q. The northeast corner of George Dietz Survey 173, Abst. 212 was located at a point from whence a 30" live oak bears N73°30'W 16 varas. The field notes of said Survey 173, by J.J. Giddings on May 8, 1847, calls for a stake from whence an 8" live oak bears N73 1/2°W 16 varas and a 7" live oak bears S1°W 20 varas. The corrected field notes of John F. Wilhelm Survey 68, Abst. 1801 by W.P. Doty on October 23, 1912, calls for a rock mound set at their southeast corner from whence an 8" live oak bears N73 1/2°W 16 varas and a 7" live oak bears S1°W 20 varas (old bearings). Note that this is the same corner position as called by W.C. Wilson in his January 22, 1982, survey of S.F. 16413 and S.F. 16414. We did not find the 7" live oak nor do we have any record of anyone else finding said tree.

R. The northwest corner of August Bering Survey 231, Abst. 103 was located at an old fence corner post from whence a 26" live oak bears N75°33'07"W a distance of 61.8 varas. The field notes of said Survey 231 and Conrad Bering Survey 230, Abst. 102 by J.J. Giddings on May 8, 1847, calls for a stake at their common west corner from whence a 7" mesquite bears N4°E 9 1/2 varas and a 12" live oak bears N76°W 61 varas. We accepted the old fence corner post as the corner because it had previously been accepted by W.C. Wilson and closely conforms to the witness corner found.

S. The northeast corner of J. F. Wilhelm Survey 68, Abst. 1801 was located at an old stone mound from whence a 10" live oak bears N15°13'45"W 14.1 varas and a 16" live oak bears N85°02'44"E 49.8

varas. The field notes of J. Mueller Survey 176, Abst. 1018 and Conrad Bering Survey 230, Abst. 102 by J.J. Giddings on May 10 and 8, 1847, respectively calls for a stake at their common corner from whence a 5" live oak bears N61°W 10 varas and a 12" live oak bears S88°E 32 varas. George Williams, in the spring of 1897, found a live oak stump bearing N61°W 10 varas as called for in Giddings' original notes. At that time he witnessed the 10" and 16" live oaks as called for above. The correct field notes on said Survey 68 by W.P. Doty on October 23, 1912, calls for a rock mound at their northeast corner from whence a 10" live oak bears N15 1/2°W 14 varas and a 12" live oak bears N84 1/2°E 50 varas.

T. The northeast corner of August Bering Survey 231, Abst. 103 was located at a stone mound under a fence on the west side of a corner post. The field notes of Conrad Bering Survey 230, Abst. 102 and said Survey 231 by J.J. Giddings on May 8, 1847, calls for a stake at their common east corner with no witnesses. The field notes of S.F. 16413 by W.C. Wilson in 1982, calls on the west boundary line to pass a 1" iron pipe in a rock mound under a fence on the west side of a corner post.

U. The southeast corner of August Bering Survey 231, Abst. 103 was located at a fence corner post and stone mound. The field notes of said Survey 231 by J.J. Giddings calls for a stake from whence a 3" live oak bears S81°E 20 varas and a 6" live oak bears S20°E 24 varas. W.C. Wilson in May, 1982, on his survey of S.F. 16413, accepted this monument as the original northeast corner of Survey 69, southeast corner of said Survey 231, and northwest corner of Survey 234 in the position found by George W. Williams in 1897 with original witness trees standing. The original witness trees are now gone.

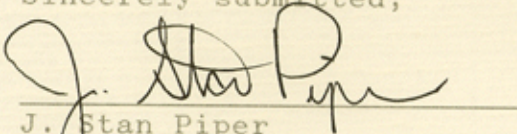
#### MAJOR PROBLEMS ENCOUNTERED

The only major conflict that we encountered is the south part of J. F. Wilhelm Survey 30, Abst. 1802. The original field notes were by George Angle. In March of 1873, he calls for the survey to be 1900 varas by 1900 varas east-west and north-south with the identical witness calls as J.J. Giddings on the adjacent Surveys 138, 172, 173, 174, and 2226 at the northeast and southeast corners. However, during the resurvey of said Survey 30 by W.P. Doty on October 23, 1912, he squares the south boundary line of said Survey 30 and breaks the call for a common corner with Fisher and Miller Survey 2226 which we have already located (See Point "J" above). We do not believe that this can be correct. The patent was issued on Doty's description for 523.5 Acres of which we found 522.43 acres in our survey. The records of the General Land Office show that the Public School Fund account was paid in full for 640 acres and that the purchasers only received 523.5 acres of land under the patent. Our survey of said Survey 30 finds 650.43 acres of land which is only 10.43 acres in excess of the original notes and amount paid for by the purchasers but some 126.93 acres more than the patent. This acreage is in a triangular shape in the south part of said Survey 30. We believe that the possible curative action would be to issue patent or patents on the unpatented part of Survey 30.

CONCLUSION

We have performed a very careful and diligent survey, based on careful research, making a complete search for each corner in our area of interest. The monuments are tied to the Texas State Plane Coordinate System at U.S.C. & G.S. station "WHITE". We have studied the intent of the parties which located these surveys, the history of other retracements, and derived a construction that is logical and legal. We have prepared a map and this report showing the results of this survey. I hope this report will meet with your approval. If you have any questions, please feel free to contact me.

Sincerely submitted,



J. Stan Piper  
Licensed State Land Surveyor  
P.O. Box 252  
Gardendale, Texas 79758



enclosed: Survey Map  
jsp

xc. Charles E. Jones, Jr.  
%Jones & Edwards, L.L.P.  
P.O. Box 188  
Sweetwater, Texas 79556

Mr. David Young  
Attorney at Law  
P.O. Box 1219  
Mason, Texas 76856

GENERAL LAND OFFICE RECORDING INFORMATION

Sketch File No. 15, McCulloch County, Texas.

Filed for record the 30<sup>th</sup> day of March, 1993.

Garry Mauro, Commissioner of the General Land Office.

By: Douglas Howard

Title: \_\_\_\_\_

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Midland, Texas 79711  
(915) 561-9025

File No. 15 A  
McCulloch  
Correspondence  
Filed March 30 19 93  
County  
By GARRY MAURO, Com'r  
Douglas Howard

March 22, 1993

Garry Mauro, Land Commissioner  
General Land Office  
Stephen F. Austin Bldg. 1700 Congress Ave.  
Austin, Texas 78701

Attention: C. B. Thomson, LSLs, Director of Surveying

Re: Letter of Explanation for Portions of the McFarland, Haby, and Ford Ranches, McCulloch County, Texas

Dear Mr. Thomson:

I would like to thank you for your review of our map and report of a portion of the McFarland, Haby, and Ford Ranches in McCulloch County, Texas. During our telephone conversation about two weeks ago, you wanted us to look into several items. Last week after consulting with Ron Jones on these items, I called you with our findings to your questions. At that time you said that they were satisfactory, but that you would like to have a letter stating our response to your questions.

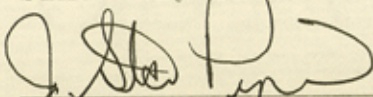
(1) The first question was the construction of the north boundary line of Fisher and Miller Survey 2196 and Friedrich Bader Survey 169 being the south boundary line of Maddox Bros. and Anderson Survey 139 and Fisher and Miller Survey 2226. You asked if we had considered a normal east and west line to locate the said surveys' common corner near an old fence line. I said that we had previously discussed it and in fact, as I recall, we discussed it in your office in December, 1991. At that time, you thought that it would be correct to honor the passing call for the creek at 1490 varas along the west boundary line of Fisher and Miller 2226 which would locate it at the present location. As far as the location of the fence, it is located approximately on the partition line of the Estate of Johanna C. Wilhelm and in those field notes there is not a call for a monument at this corner. Therefore, I do not believe that the fence should be considered in the location of the corner.

(2) The possibility of an original corner at the southeast corner of C.L. Boethe Survey 175 and the northeast corner of Survey 174. Please refer to page 8, second paragraph of my report dated February 8, 1993 for reason of rejection.

(3) The location of the southwest corner of J. F. Wilhelm Survey 30. How do we know that the reference point that we found was the "x" on a rock N30°E 2 varas, not the "x" on a rock N31°E 7 varas. We were able to recover only one of these marks and we determined that it was the one at 2 varas, because it most closely conformed to the old corner fence post and this construction parallels the east and west lines of Survey 30 more closely.

I hope this letter will meet with your approval. If you have any questions, please feel free to contact me.

Sincerely submitted,



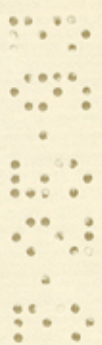
J. Stan Piper  
Licensed State Land Surveyor  
P.O. Box 252  
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xc. Charles E. Jones, Jr.  
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Sweetwater, Texas 79556

Mr. David Young  
Attorney at Law  
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Mason, Texas 76856



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Midland, Texas 79711  
(915) 561-9025

April 6, 1993

Garry Mauro, Land Commissioner  
General Land Office  
Stephen F. Austin Bldg. 1700 Congress Ave.  
Austin, Texas 78701

Attention: C. B. Thomson, LSLS, Director of Surveying

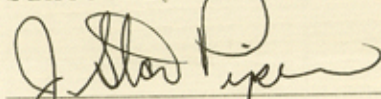
Dear Mr. Thomson:

We received your letter of the approval our map of portions of the McFarland, Haby, and Ford Ranches in McCulloch County, Texas for filing in the General Land Office.

While we were preparing an additional plat for the division of the McFarland and Haby Estates, we became aware of a transposition error in the acreage of Fisher and Miller Survey 2230 shown on the plat that we sent you. Would you please correct this acreage on the original plat in your possession. The correct acreage is 654.18 acres, not 645.18 acres as shown. We appreciate you handling this and save the time of sending the original to us and having to send it back.

I hope this letter will meet with your approval. If you have any questions, please feel free to contact me.

Sincerely submitted,



J. Stan Piper  
Licensed State Land Surveyor  
P.O. Box 252  
Gardendale, Texas 79758

jsp

xc. Charles E. Jones, Jr.  
%Jones & Edwards, L.L.P.  
P.O. Box 188  
Sweetwater, Texas 79556

Mr. David Young  
Attorney at Law  
P.O. Box 1219  
Mason, Texas 76856

File No. Sketch File 15B  
McCulloch County  
Plat Revision Approval = sur # 2230  
Filed April 14, 19 93  
By GARRY MAURO, Com'r  
Douglas Howard  
Map correction executed 4/14/93  
counter 31221

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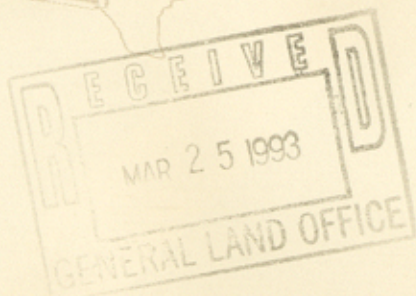
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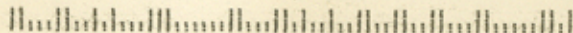


MIDLAND TEXAS 797

C. B. Thomson, LSLS, Dir. of Surveying  
General Land Office  
Stephen F. Austin Bldg.  
1700 Congress Ave.  
Austin, Texas 78701

*counter 31222*

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Garry Mauro, Land Commissioner  
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Austin, Texas 78701

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