

Shine & Associates

REGISTERED SURVEYORS TEXAS AND LOUISIANA
D. D. SHINE, RPS, LSLs, RLS

File No. Sketch File 45
Polk County
269.610 ac out of Sect. 38, J. Poitevent Blk.
Hardy Burl Purvis
Filed Sept. 19 19 94
By GARRY MAURO, Com'r
Douglas Howard

September 13, 1994

Mr. Garry Mauro, Commissioner
Texas General Land Office
Stephen F. Austin Building
1700 N. Congress
Austin, Texas 78701

Re: The West and East Part of the South Mid-Part, Hardy Burl Purvis Survey,
No. 38 (J. Poitevent), Certificate 1/51, Polk County, Texas

Dear Mr. Mauro:

This report is made in connection with my survey of the Hardy Burl Purvis 269.610 acres described in my plat and field notes dated August 22, 1994. The Hardy Purvis tract is the remaining portion of Section 38 (the alternate to Section 37 - J. Poitevent, H-S-414) by virtue of certificate 1/51 issued by the General Land Office under an *Act to Provide for the Improvement of the Navigation of the Trinity River and to Grant the Aid of the State Therefore*, Passed June 2, 1873. The Act provided that "the Commissioner of the General Land Office shall issue or cause to be issued, to the contractor, who shall open and clear out said river, for each and every mile of said river so opened, four certificates, each for 640 acres of land.

"Section 5. That the certificates shall be located and surveyed in alternate sections; that is to say, for each certificate two sections of land, of 640 each, adjoining, shall be surveyed, and the field notes and maps thereof returned to the General Land Office....The Commissioner of the General Land Office shall number said sections and issue to said contractor patents to the odd sections, the even sections being reserved to the state for the School Fund." *Gammel's Laws of Texas*, 1873, 742.

This survey for Hardy Purvis is the remaining portion of School Section 38, three surveys out of said section having been previously patented to Frank P. Rice, 160 acres, De Sherman, 160 acres, and J. W. Angell, 80 acres.

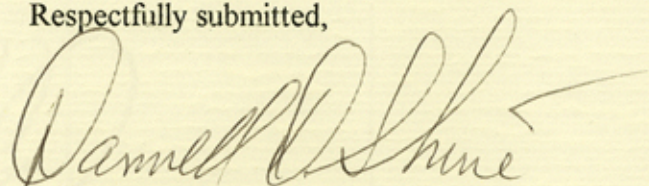
Most of the Poitevent Sections in this area, including about 250 varas off of the east end of Section 38, are in conflict with the John Maginnis League which was titled by the Mexican government on May 4, 1835. Due to the lack of calls for adjoiner in the field notes of the John Maginnis, it was obvious the G.L.O. draftsman had problems locating this league on the official county map. It is shown on some of the maps and omitted on others. The plats and surveyor's report found in the Sketch Files 25 through 27 show the Maginnis League with the Poitevent Sections in conflict.

In 1891 County Surveyor W. H. Matthews located and resurveyed the Maginnis League. His field notes and report found in Polk County Sketch File 27 reflect his survey. Surveyor Matthews stated, "I found all the natural and artificial points called for in this league according to its old field notes with the exception of the southeast corner and the distance to the creek on the south boundary line." I did not attempt to locate the entire Maginnis League; however, I had in my possession the results of a 1954 survey made by reputable surveyors whom I knew personally, who did locate the Maginnis League. These surveyors were employed by Champion Paper Company who owns land in both the Maginnis League and the Poitevent Sections.

In my survey I located the southeast corner of the De Sherman Survey; the original Post Oak tree called for by R. W. Hubert in 1895 is still standing and the old mark, though faint, is still visible. I also located the southeast corner of the Frank Rice Survey 249.39 varas in conflict with the John Maginnis League. At this corner I found two Pine stumps that conform to the calls of Surveyor Manry in his 1922 survey of the Rice. On the south line of Section 38, north line of Section 39, I found the two creek calls to conform to the calls by Surveyor Gibson in his 1875 survey of the Poitevent Sections.

I found the southeast corner of the Angell Survey to be marked by a concrete monument and several bearing trees as reflected in my plat and field notes. At the northeast corner of the Angell, I set an iron rod by an old corner post that was within 2/10 of a vara of the call easterly from the centerline of the railroad. The call for the creek 24 varas south of this corner does not fit exactly; however, the creek at this point has been disturbed due to highway construction. Since this corner is at the intersection of old marked lines at an old fence corner and conforms to the call easterly from the center of the railroad, I am satisfied that it is in the proper position. Since the south lines of the De Sherman and the Frank Rice were fixed by identified corners, I did not find it necessary to do additional surveying on these surveys. With the exception of the northeast corner of the Angell and the southwest corner of the Rice, we found all corners to be marked by substantial concrete monuments of long standing (at least since 1954). Also, all of the lines were well marked and painted and fenced in most instances.

Respectfully submitted,



Darrell D. Shine

Licensed State Land Surveyor