

## JOHN H. POERNER AND ASSOCIATES

HONDO, TEXAS 78861  
204 BANK BUILDING  
PHONE HA 6-3112

SAN ANTONIO, TEXAS - PHONE 224-0103  
UVALDE, TEXAS - PHONE 278-2921

May 15, 1970

The Honorable Jerry Sadler  
Commissioner  
General Land Office  
Austin, Texas

Dear Sir:

The attached reports and accompanying map are forwarded at the request of Mr. V. H. Braunig, 542 Oakleaf, San Antonio, Texas. Mr. Braunig retained my service as a result of a boundary dispute in real county, of which he was a defendant, filed and heard in the 38th Judicial District Court of Real County, Texas. The case was known as "Sone vs Braunig, Cause No. 1059".

The court decreed in favor of Mr. Braunig, based on various testimony and the accompanying report and maps.

Please file the report and maps of record and charge the filing fee to my account number 817.

With best regards, I am

Sincerely,

  
John H. Poerner

JHP/mz

cc: Mr. V.H. Braunig  
542 Oakleaf  
San Antonio, Texas

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STATE OF TEXAS        |

COUNTY OF REAL       |

I, Lucille Bendele, CLERK OF THE COUNTY  
 COURT of Real County, Texas, do hereby certify  
 that there is no County Surveyor in Real County, and  
 the Surveyor's Records are kept in my office; and I have duly  
 recorded the foregoing field notes in Vol. 3 Page 143-144  
 Surveyor's Records of Real County, Texas this 15  
 day of May A. D. 1970.

Witness my hand and official seal of office on the  
 day last above written.

*Lucille Bendele*

COUNTY CLERK REAL

County, T e x a s

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REPORT OF SURVEY INVESTIGATION OF THE COMMON BOUNDARY LINE  
DIVIDING SURVEY NOS. 38 AND 39, BLK. 3, TWNG R.R. CO.,  
SITUATED ABOUT 11 MILES N 55° E OF LEAKEY, IN REAL COUNTY,  
TEXAS

On or about July 1, 1967, I was engaged by Mr. V. H. Braunig of 542 Oakleaf, San Antonio, Texas, to investigate and establish the relationship of the above caption boundary line in respect to an existing fence on or near this location. It was agreed that this work would be performed in counsel with Mr. Will A. Morris, Jr., Attorney at Law, NBC Bldg., San Antonio, Texas and Mr. Frant T. Drought, Consulting Surveyor and Engineer, 342 W. Woodlawn, San Antonio, Texas. Mr. Morris and Mr. Drought made available to me all information that they had previously obtained on this matter. To supplement this, I went to The General Land Office at Austin, Texas and reviewed the following:

1. Each field note description prepared by Mr. D. Corwin of the surveys within Blk. 3, TWNG R.R. Company in Real County dated January 8, 1876.
2. The rolled sketch file of Real and Edwards counties.
3. The field notes filed for patent of various surveys within said Blk. and for fractional parts thereof.
4. All other information that appeared to be pertinent to this survey as suggested by members of the staff of the General Land Office.

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Prior to beginning the field survey on the ground, I had the following maps and documents in my possession:

1. A copy of the working sketch of surveys in Real County situated about 12 miles N 58° W of Leakey, dated March 23, 1967 and prepared by the General Land Office for Morris, Boatwright, Lewis and Davis, NBC Bldg., San Antonio, Texas.
2. Working sketch of surveys in Real County dated September 26, 1962 and reflecting a connecting line resurveyed by Geo. M. Williams June 1906 in Rolled Sketch No. 17, Real County.
3. Map showing Blk. 0, T&NO R.R. Co. and Blk. FGH & SA R.R. Co. Edwards County as resurveyed by Geo. M. Williams 1906 and filed in Rolled Sketch No. 17, Blk. 0, T&NO R.R., Blk. 3, TWNG and Blk. FGH & SA R.R. Companies.
4. An aerial photograph of an approximate scale of 1 inch to 660 feet prepared by The U. S. Department of Agriculture.

I began the ground survey in search of designation points placed on survey lines by Geo. M. Williams in 1906 from Station "A" in Section 61 to the East line of



September 7, 1967

Section 64 of said Blk. No. 3. With the aid of the services of Mr. L. C. Penley of Vance, Texas, I was able to locate the Old Leakey and Barksdale Road as reflected on the Williams map of 1906. After making a diligent search of this area adjoining the road, I found the rock mound placed on the East boundary line of Survey No. 63 and the West boundary line of Survey No. 64 near the South margin of the old road. The rock mound was generally in good condition and I found a leaning Live Oak ( Burned on side facing corner ) 14 inches in diameter ( Now 18 inches in diameter ) bearing S  $36\frac{1}{2}^{\circ}$  W 6.2 varas. I also found the stump of a Cedar bearing S  $82\frac{1}{4}^{\circ}$  W 22 varas. Since there was an occupation boundary corner at the SE corner of Survey No. 63 and the SW corner of Survey No. 64, I checked this distance and found it to be 1287 varas compared to the 1274 varas as indicated by Mr. Williams. This rock mound was 69.8 varas West of the occupation fence line dividing two properties. From this rock mound, I ran an open traverse line to take advantage of clearings of brush, absence of mountains and etc. toward the SW corner of Section 38. This tie line is reflected on my map dated September 7, 1967 and checks very closely with the location of the occupation Southwest corner of Section 38. I continued North and traversed the existing fence dividing the Braunig property from the Robert Sone property and kept an accurate horizontal control so that I could compute a direct line from the Northwest corner to the Southwest corner of Section 38. At the Northwest corner of Section 38 I made a thorough search for the large rocks and witness tree placed by Mr. J.L. Watkins on October 12, 1925 and was not able to identify the objects properly marked. I then traversed North along an occupation fence for 475 varas and made a search for the witness trees placed by Mr. Watkins. At a distance of 491.61 varas I found a 10 inch Cedar ( Now 11 inches in diameter ) bearing N  $29^{\circ}$  W  $13\frac{2}{3}$  varas and a sprangled top Cedar 16 inches in diameter at bottom properly marked ( Now 19 inches in diameter ) bearing N  $71^{\circ}$  W  $5\frac{2}{3}$  varas. The sprangled top Cedar was standing intact and the marks clearly visible as indicated on the enclosed colored photo. The 10 inch Cedar was broken near the ground but a segment of the trunk remained connected to the stump and the marks were visible to the extent of complete certainty. I relocated a rock mound by course and distance from these two trees and its location was directly in line with the occupation fence. I returned to the NW corner of Survey No. 38 and the SE corner of the SE  $\frac{3}{16}$  of Survey No. 22 and located two large rocks, one at S  $62\frac{1}{2}^{\circ}$  W  $\frac{3}{4}$  varas and another N  $83^{\circ}$  E  $1\frac{2}{3}$  varas and, by

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September 7, 1967

relocating the corner from these two rocks, placed it at the junction of wires in the occupation fence. Mr. Penley told me that the fence corner had been at this location and he had moved it up the ridge for purposes of a better location. The rocks did not bear any type of marking and I assume that, because of their texture, they had weathered and "flaked off" during the last 42 years. I found the stump of a Cherry tree at S  $64\frac{3}{4}^{\circ}$  E 13 varas, which is 3 varas longer than the called distance.

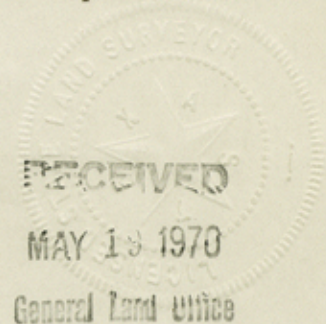
Mathematically, I compared the NE corner of the SE 3/16 of Survey No. 22 as located by Mr. Watkins to the existing boundary fence between the Sone and Braunig properties and the relationship of the common survey line compared to this fence line is reflected on my map of a scale of 1 inch to 200 varas. I also calculated the acreage lying West of this common survey line and East of the existing boundary fence and found it to contain 6.569 acres and being largely located near the Southwest corner where the fence had been built out of the creek bed.

In conclusion, it appears that the existing location of the fence dividing the Sone and Braunig properties is located properly at the North extremity of this boundary line and, about half way toward the South, it begins to veer Westward and near the Southwest corner, abruptly turns West to avoid a wash out in the creek area. Mr. Dennis Corwin did not mark any witness trees or objects when he surveyed and described the individual surveys within Blk. No. 3, TWNG R.R. Co. Since all surveys within Blk. 3, totaling 80, were surveyed the same day, it is quite obvious that a ground survey was not made and that field notes were prepared from surrounding surveys of record at that time. I have located the corner of a patented portion of Survey No. 22 that was dated October 12, 1925 by Mr. J.L. Watkins and, from the above cited documents I found in the General Land Office and the County Clerks office of Real County in Leakey, Texas, find his work to be senior to other patented field notes in this area.

Respectively submitted, this the 7th Day of September 1967.

*John H. Poerner*  
John H. Poerner  
Licensed State Land Surveyor

Filed for record in Vol. 3, Pg. 143  
Surveyors Records, Real County, Texas. This  
15th Day of May, A.D. 1970



*Lucille Bendele*  
Lucille Bendele  
County Clerk, Real County, Texas

counter 35084



## S U P P L E M E N T A L R E P O R T

REPORT OF SURVEY INVESTIGATION OF THE COMMON BOUNDARY LINE  
DIVIDING SURVEY NOS. 38 AND 39, BLK. 3, TWNG R.R. CO.,  
SITUATED ABOUT 11 MILES N 55° E OF LEAKEY, IN REAL COUNTY, TEXAS

On August 29, 1968, I began a survey at a designation point on the North boundary line of Survey No. 3, Blk. No. 3, TWNG R.R. Co., reflected on a certain map prepared by George M. Williams dated June 1906 and signed on September 15, 1906 as a State Surveyor. Said designation point being listed and described as 494 varas East of the NW corner of said Survey No. 3 and 1406 varas West of the NE corner and being a stake and mound on South side of a spur, from which a Live Oak 8" in diameter bears S 7 $\frac{1}{4}$ ° W 24 varas. I found the rock mound 2.52 varas South of an existing East-West occupation fence and the Live Oak witness tree bearing visible marks of an X with three (3) hacks above and below and the tree measuring 14.2" in diameter. I proceeded to measure eastward along the North boundary line of said Survey No. 3 on a course of N 89°50' E (this is the course of the occupation fence) and using a 100 ft. tape, I made 107 separate measurements with the segment of tape used for the measurement at an absolute horizontal, of which I have listed these measurements on a separate report and is made a part hereof, for a total distance of 3,905.06 ft. or 1406 varas to coincide with the aforementioned Williams map of 1906. From this termination point I observed a concrete marker at junction of wire fence and measured it to be 75.4 ft. or 27.14 varas East of my termination point. Mr. A.B. Pattie of Real County was present and indicated to me that the concrete marker was the location at which Mr. Hilmar Koch placed the NE corner of said Survey No. 3. Prior to occupying our termination point with a transit, I projected the N 89°50' E course into the corner at which the concrete marker is located and turned a deflection angle of 89°15' to the right on an existing North-South fence, which would calculate to be a course of S 00°55' E. At this point my staff and I appraised the data we had obtained, beginning with the fact that the concrete marker was 75.4 ft. East of its true location for the NE corner of Survey No. 3, coupled with the fact that the newly constructed fence leading southward from that point was bearing East of South by 55' of a degree, which we calculated in one mile would place a survey point 84.45 ft. (30.40 varas) East of a true South line and, the fact that we were 3 miles North of the NE corner of Section 38 and that in 3 miles would place a survey point 253.41 ft. (91.22 varas) East of a true South line and, considering that our transit may have picked up some magnetic attraction by traversing closely to the existing occupation fence, I elected to turn a

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deflection of  $90^\circ$  to the right off of the previous run course of  $N 89^\circ 50' E$  and proceeded South on a course of  $S 00^\circ 10' E$ . Since there is no dispute about the North or South boundary line of Section 38, I used the Stadia Method of measuring the distance from the NE corner of said Survey No. 3 to the NW corner of Section 38. At various points along the line of  $S 00^\circ 10' E$ , we measured easterly to the line Mr. Pattie indicated was run by Mr. Koch and found it to vary from 105 ft. to in excess of 200 ft. At the termination of 3 miles, we were on the North property line fence of Section 38 owned by Mr. Braunig and our line was 67.00 ft (24.12 varas) East of SE corner of the SE  $3/16$  of Survey No. 22 mentioned in my report of September 7, 1967. At the various transit stations along the 3 mile line run on course  $S 00^\circ 10' E$ , we observed a magnetic course of  $S 00^\circ 08' E$  to  $S 00^\circ 15' E$  by using a magnetic declination of  $10^\circ 00' E$ . This verified our earlier compass observation along the North fence of  $N 89^\circ 50' E$  and, to project a straight line from our termination point at the NE corner of said Survey No. 3 to the SE corner of the SE  $3/16$  of Survey No. 22 would have demanded a deflection angle of  $90^\circ$  and  $14'$  to the right to produce a course of  $S 00^\circ 04' W$ . I projected the course of  $S 00^\circ 04' W$  along the common boundary line of Survey 38 and 39 and terminated at a point 121.4 ft. (43.70 varas) West of a rock mound recently constructed. This ties in with the investigation and survey made in 1967.

I am of the conclusion that I have placed myself in the footsteps of George M. Williams as reflected by his map of June 1906. I have made a complete tie from his designation point on the North boundary line of said Survey No. 3 and being on the North line of said Blk. No. 3 with his designation point on the East boundary line of Section 63 and the West boundary line of Section 64 of said Block.

Respectively submitted this the 7th Day of October 1968.

*John H. Poerner*  
John H. Poerner

Licensed State Land Surveyor

Filed for record in Vol. 3, Pg. 144  
Surveyors Records, Real County, Texas. This

15th Day of May, A.D. 1970

*Luella Bendley*  
County Clerk, Real County, Texas

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SONE vs BRAUNIG  
REAL COUNTY

August 29, 1968

Measurements made along the North boundary line of Survey No. 3, Blk. 3, T. W. & N. G. R.R. Company.

BEGINNING at a rock mound situated 7.0 ft. South of an existing ancient east-west wire fence, on top of a mountain, the designation point indicated on a certified map prepared by George M. Williams, State Surveyor, on the 15th day of September 1906, as being 494 vrs. east of the Northwest corner of said Survey No. 3 and 1406 vrs. west of the Northeast corner of said Survey No. 3. I then made the following measurements in feet in an easterly direction along the above mentioned fence to re-establish the Northeast corner of said Survey No. 3:

DISTANCE MEASURED		ACCUMULATED AMOUNT		OBJECT ALONG LINE
FEET	VARAS	FEET	VARAS	
50.0	18.0	50.0	18.0	
32.0	11.5	82.0	29.5	
33.0	11.9	115.0	41.4	
30.0	10.8	145.0	52.2	
18.0	6.5	163.0	58.7	
26.0	9.4	189.0	68.0	
27.0	9.7	216.0	77.8	
79.0	28.4	295.0	106.2	
100.0	36.0	395.0	142.2	
100.0	36.0	495.0	178.2	
83.0	29.9	578.0	208.0	
100.0	36.0	678.0	244.0	
77.0	27.7	755.0	271.8	
25.0	9.0	780.0	280.8	
25.0	9.0	805.0	289.8	
18.0	6.5	823.0	296.3	
22.0	7.9	845.0	304.2	
23.0	8.3	868.0	312.5	
13.0	4.7	881.0	317.7	
19.0	6.8	900.0	324.0	
20.0	7.2	980.0	352.8	
50.0	18.0	970.0	349.2	
50.0	18.0	1020.0	367.2	
55.0	19.8	1075.0	387.0	
50.0	18.0	1125.0	405.0	
67.0	24.1	1192.0	429.1	
100.0	36.0	1292.0	465.1	
74.0	26.6	1366.0	491.8	
36.0	13.0	1402.0	504.7	
39.0	14.0	1441.0	518.8	
15.0	5.4	1456.0	524.2	
15.0	5.4	1471.0	529.6	
15.0	5.4	1486.0	535.0	
14.0	5.0	1500.0	540.0	
17.0	6.1	1517.0	546.1	
4.0	1.4	1521.0	547.6	
15.0	5.4	1536.0	552.9	
24.0	8.6	1560.0	561.6	
20.0	7.2	1580.0	568.8	
20.0	7.2	1600.0	576.0	

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DISTANCE MEASURED		ACCUMULATED AMOUNT		OBJECT ALONG LINE
FEET	VARAS	FEET	VARAS	
23.0	8.3	1623.0	584.3	
18.0	6.5	1641.0	590.8	
30.0	10.8	1671.0	601.6	
100.0	36.0	1771.0	637.6	
100.0	36.0	1871.0	673.6	
100.0	36.0	1971.0	709.6	
80.0	28.8	2051.0	738.4	
67.0	24.1	2118.0	762.5	
38.0	13.7	2156.0	776.2	
40.0	14.4	2196.0	790.6	
15.0	5.4	2211.0	796.0	
25.0	9.0	2236.0	805.0	
33.0	11.9	2269.0	816.8	
23.0	8.3	2292.0	825.1	
22.0	7.9	2314.0	833.0	
91.0	32.8	2405.0	865.8	
60.0	21.6	2465.0	887.4	
50.0	18.0	2515.0	905.4	
49.0	17.6	2564.0	923.0	
11.0	4.0	2575.0	927.0	
14.0	5.0	2589.0	932.0	
14.0	5.0	2603.0	937.0	
21.0	7.6	2624.0	944.6	
17.0	6.1	2641.0	950.7	
17.0	6.1	2658.0	956.9	
19.0	6.8	2677.0	963.7	
20.0	7.2	2697.0	970.9	
19.0	6.8	2716.0	977.8	
19.0	6.8	2735.0	984.6	
15.0	5.4	2750.0	990.0	
13.0	4.7	2763.0	994.7	
17.0	6.1	2780.0	1000.8	
11.0	4.0	2791.0	1004.8	
7.0	2.5	2798.0	1007.3	
13.0	4.7	2811.0	1012.0	
11.0	4.0	2822.0	1015.9	
11.0	4.0	2833.0	1019.9	
9.0	3.2	2842.0	1023.1	
8.0	2.9	2850.0	1026.0	
9.0	3.2	2859.0	1029.2	
12.0	4.3	2871.0	1033.6	
9.0	3.2	2880.0	1036.8	
11.0	4.0	2891.0	1040.8	
10.0	3.6	2901.0	1044.4	
5.0	1.8	2906.0	1046.2	
15.0	5.4	2921.0	1051.6	
17.0	6.1	2938.0	1057.7	
23.0	8.3	2961.0	1066.0	
15.0	5.4	2976.0	1071.4	
20.0	7.2	2996.0	1078.6	
16.0	5.8	3012.0	1084.3	
13.0	4.7	3025.0	1089.0	
13.0	4.7	3038.0	1093.7	
16.0	5.8	3054.0	1099.4	
23.0	8.3	3077.0	1107.7	
57.0	20.5	3134.0	1128.2	
27.0	9.7	3161.0	1138.0	
33.0	11.9	3194.0	1149.8	
57.0	20.5	3251.0	1170.4	
54.0	19.4	3305.0	1189.8	

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DISTANCE MEASURED		ACCUMULATED AMOUNT		OBJECT ALONG LINE
FEET	VARAS	FEET	VARAS	
68.0	24.5	3373.0	1214.3	Centerline Concrete Marker North-South Fence
100.0	36.0	3473.0	1250.3	
74.0	26.6	3547.0	1276.9	
78.0	28.0	3625.0	1305.0	
100.0	36.0	3725.0	1341.0	
100.0	36.0	3825.0	1377.0	
80.6	29.0	3905.6	1406.0	
75.4	27.1			
0.3	0.1			

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 Surveyor's Report  
 T. W. W. Co.  
 Oct 1, 1968  
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File No. 19

REAL County

Sketch File

Filed May 19 1970

JERRY SADLER, Com'r

By [Signature]

*Surveyor's Report*

*Sec. 38 & 39, Blk. 3,*

*T.W. & N.G. Ry. Co.*

*By John H. Poerner*

*Oct. 7, 1968*

*see Rolled Sk. 9*