

D-83

E. S. REST
PROFESSIONAL CIVIL ENGINEER
LICENSED LAND SURVEYOR
202½ W. ERWIN ST.
TYLER, TEXAS

June 8, 1951

Re: W. Y. Stephens Survey, Application
For Deed of Acquittance, Rusk
County, Texas

SURVEYOR'S REPORT, SUPPLEMENTAL

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REFERRED TO

Mr. Bascom Giles, Commissioner,
General Land Office
Austin, Texas

Dear Sir:

Under date of February 3, 1950, I submitted to the General Land Office a report, plat and corrected field notes in connection with an application for deed of acquittance on the W. Y. Stephens Survey in Rusk County, Texas.

At your request I have reviewed the ground evidence upon which I predicated my placement of the lower south line of the W. Y. Stephens Survey. You will recall that I placed the lower south line of the Stephens coincident with the north line of the Enoch Spivey Survey. You will also recall that the north line of the Enoch Spivey Survey was placed 1900 varas north of the Spivey original southwest corner, as called for in its field notes. As a result of this placement, the Stephens lower south line fell approximately 55 varas south of a well marked line and fence, which is the occupied common line between the Stephens on the north and the Spivey on the south.

Since my original work in connection with the W. Y. Stephens Survey, I have finished running out the Enoch Spivey Survey. At the easterly re-entrant corner of the Spivey Survey (northwest corner of the Seth Caison) I found two pine stumps which agree in both bearing and distance with the two pine witnesses called for at this corner in the Spivey field notes. I believe this is an original corner of the Spivey Survey. If the north line of the Spivey is established its called distance north of this original corner, it will fall approximately 50 varas north of the occupied line. If placed called distance north of the original southwest corner, it will be 55 varas south of occupation. Hence, the occupied and recognized north line of the Spivey is approximately midway between the two field note positions.

I also located and meandered the two old roads which the Spivey field notes called for along its north line. If the north line of the Spivey is established along occupation, these two roads will agree closely with their call, the first within 5 varas and the second within 10 varas. They would not agree as closely if the Spivey north line were placed in any other position.

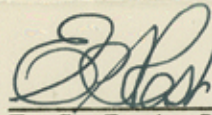
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With this new evidence in mind, I now believe that the old occupied and recognized north line of the Spivey is in its proper position and have relocated it accordingly. Therefore, the lower south line of the Stephens is also in its proper position along the occupied and recognized line when located by adjoinder call and identical witness trees at common corners with the north line of the Enoch Spivey Survey. It is my recommendation that the applicant be permitted to purchase by deed of acquittance the excess acreage in the W. Y. Stephens Survey, as shown outlined in red on the attached plat and as described by attached corrected field notes.

Very truly yours,



E. S. Rest, Licensed State
Land Surveyor



Handwritten notes and signatures in blue ink, including 'ESR:ep' and various illegible scribbles.

With this new evidence in mind, I now believe that the old occupied and
relocated north line of the Shively is in the proper position and have
relocated it accordingly. Therefore, the lower south line of the Stephens
is also in its proper position along the occupied and relocated line when
located by adjoining calls, and identical witness trees at common corners
with the north line of the Brock Shively survey. It is my recommendation
that the north line of the Brock Shively survey be shown outlined in red on the
new survey in the W. Y. Stephens survey, as shown outlined in red on the
attached plat and as described by attached corrected field notes.

Very truly yours,

E. S. Rest
E. S. Rest, Licensed Surveyor



File No. 39 39
Lusk County
Surveyor's Report
by E. S. Rest
W. Y. Stephens survey
Filed 6/27 1911
Boscow Gels, Com's
H. H. Hebrich
File Clerk

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