

**MURRAY & MOORER, INC.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
P.O. BOX 981 1025 12TH STREET  
HUNTSVILLE, TEXAS 77342-0981  
PHONE (409) 295-3304  
FAX (409) 295-4900

File No. SK. File # 23  
San Jacinto County  
Filed March 24, 19 94  
By GARRY MAURO, Com'r  
Carol Rhodes  
Also see San Jacinto  
Rolled Sketch No. 13

January 5, 1993

The Honorable Garry Mauro  
Commissioner of the General Land Office  
1700 North Congress Avenue  
Austin, Texas 78701

RE: **Survey Report**  
in connection with application for  
Patent, Julius F. Franki Survey,  
Abstract 495, San Jacinto County,  
Texas.

Dear Commissioner Mauro:

Please find enclosed field notes for the above Survey along with my plat of same. The purpose of this report, field notes and plat is for the issuance of a Patent of the south one-half of the Robert Taylor Survey, Certificate No. S.F. 9007.

**INFORMATION USED IN MAKING SURVEY**

- A. All GLO field notes of the subject Survey and surrounding Surveys in the immediate area.
- B. Deeds to the subject tracts and all joining tracts from Deed Records in San Jacinto and Walker Counties, Texas.
- C. 1. Working sketch of the Robert Taylor Survey and adjoining Surveys prepared from GLO field notes, scale 1"=200 varas, obtained from the GLO records.  
2. Working sketch of same prepared from GLO records, scale 1"=200 varas, dated November, 1993 prepared by the undersigned.
- D. Copies of field books and private records in Gibbs Bros. & Co. and Champion International Corp. files in Huntsville, Texas.
- E. Results of examinations conducted in the following places:
  1. General Land Office, Austin Texas.
  2. San Jacinto County Deed and Surveyor's Records, Court House, Coldspring, Texas.
  3. Walker County Deed and Surveyor's Records, Court House, Huntsville, Texas.
  4. Survey and Land Records in Gibbs Bros. & Co. office, Huntsville, Texas.
  5. Survey and Land Records in Champion International Corp. office, Huntsville, Texas.

counter 35803

HISTORY OF THE CONSTRUCTION OF THE SURVEYS BY GENERAL LAND OFFICE  
NOTES:

Following is a list of Surveys comprising the subject area in order of seniority by survey date:

<u>Survey</u>	<u>Original Survey Date</u>	<u>Surveyor</u>	<u>Status</u>
Thomas Jefferson Chambers	5-15-1830	J.G.W. Pierson	Titled
John H. Cummins	12-17-1834	William Robinson	Titled
Pleasant Gray	5-11-1838	J.H. Collard	Patented
Charles McKim	5-12-1838	J.H. Collard	Patented
William J. Knight	5-13-1838	J.H. Collard	Patented
Edward Bailey	9-28-1838	J.H. Collard	Patented
John L. Lynch	10-01-1838	J.H. Collard	Patented
Albert Molsberger	2-26-1873	A.A. Aden	Patented
Samuel McClelland	8-13-1873	A.A..Aden	Patented
Ben Whaley	10-09-1875	Solomon Carr	Pat.(in part)
F.A.W. Stewart	3-11-1875	Solomon Carr	Patented
Adam Lewis	3-11-1875	Solomon Carr	Patented
Robert Taylor	1-05-1908	J.G. Ross	Forfeited
Ben Whaley	10-07-1927	J.G. Ross	Patented

The two titled Surveys in the immediate area, Chambers and Cummins, were surveyed by different surveyors. Both were obviously "on the ground" surveys because of calls for witness trees as well as for meanders of the Trinity River. The GLO notes of the Chambers are the Spanish translation, although the Cummins were English field notes. In preparing my working sketch, I used a copy of the Chambers title translated to English by P.H. Buckley and certified by Commissioner J.T. Robison. This translation, dated May 2, 1928, is recorded in the San Jacinto County Deed records.

I made the following observations concerning the titled Surveys:

1. Both Surveys make no calls for joiners.
2. The official GLO county maps for both Walker and San Jacinto Counties show a partial conflict of the Cummins with the Chambers.
3. The Chambers was apparently run out using a compass reading magnetic bearings rather than corrected to read true.

The next surveyor to locate Surveys in the subject area was J.H. Collard. During 1838, Collard located First Class Headrights for Pleasant Gray, Charles McKim, William J. Knight, Edward Bailey and John L. Lynch.

According to the dates shown on the field notes, the first survey Collard made was for Gray of one Labor on May 11, 1838. He calls to begin on the south line of the Chambers at the northwest corner of the McKim. He then runs S76°W, at 139 varas cross Mill Creek, 1000 varas set post etc.. Collard makes no mention of the southwest corner of the Chambers. The third call is N76°E, at 773 varas cross Mill Creek, 997 varas, intersect McKim's line set post etc.. The last call is N14°W, with line of C. McKim's survey, 1000 varas to the beginning.

The McKim field notes call to begin on the south line of the Chambers; then run S14°E 1500 varas "intersect a division line established between McKim and C. Bailey's Survey". It appears that the name "Betha" has been marked through and C. Bailey's inserted. Surveyor Collard calls for the McKim to adjoin Chambers on the north and Bailey on the south.

Surveyor Collard's field notes for William J. Knight call for no adjoiners.

Collard's field notes for both the Bailey and Lynch call for "E. Graham's Labor" on the west line of the Bailey and the most northerly lines of the Lynch.

The next surveyor in the area was A.A. Aden. He located a Third Class Headright for Albert Molsberger and a Bounty Grant for Samuel McClelland.

Surveyor Aden's notes for Molsberger, dated February 26, 1873, call to begin at the northwest corner of the Lynch Survey. Aden calls for marked trees at the corners he made, along with passing calls on creeks and branches along the lines he ran.

That same summer, on August 13th, Aden surveyed the McClelland. He calls to begin the survey at the northwest corner of the Gray Labor; then runs N76°E, with Gray, 555 varas to the southwest corner of the Chambers. All other lines, except the south, call for adjoiners with senior surveys.

About two or four years later, Solomon Carr located Pre-emption surveys for Ben Whaley, F.A.W. Stewart and Adam Lewis. None of Carr's field notes are dated. His notes for Whaley were recorded October 9, 1875 by A.J. Rape, County Surveyor of Walker County. Carr's field notes for Stewart and Lewis show to be recorded on March 11, 1877.

Surveyor Carr was apparently unaware of the existence of McClelland Survey because most of his survey for Whaley conflicted with it. Surveyor Carr in his Whaley notes calls for the northwest corner of Gray's Labor and recites identical witness trees as those of the Gray. He then runs N76°E, with Gray, 615 varas to the southwest corner on T.J. Chambers.

Carr's field notes for Stewart and Lewis were "built in" south of the Whaley and call to adjoin senior Surveys.

The subject parent Survey, the Robert Taylor was surveyed by J.G. Ross on January 5, 1908. Surveyor Ross begins at the northeast corner of the Molsberger. He not only calls for the Molsberger corner, but obviously found both the witness trees because of only slightly different ties from the corner. At Ross' next two corners, he calls for the southeast and northeast corners of the Stewart respectively. Here again, he has only slightly different ties from the corner to the witness trees, indicating he probably found the original corners of the Stewart. Surveyor Ross' fourth corner is called to be the southeast corner of the Gray Labor. He notes "all bearing trees gone" and marks a 4" Post Oak S62°E 5.2 varas. His next call is S14°E, with the west lines of McKim and Bailey, 1500 varas to a corner of the Lynch. He calls for two pines at this corner. He then runs S76°W, with the north line of the Lynch, 466 varas to the southeast corner of the Molsberger. At this corner he obviously finds the Post Oak witness tree called for in the Molsberger notes. The last call is N14°W 800 varas to the place of beginning. Surveyor Ross calls to cross Mill Creek at 360 varas on the most northerly west line and at 60 varas on the north line.

The last Survey in the subject area is the Ben Whaley. It was also surveyed by J.G. Ross.

Ross' field notes made for Henry Moore, dated October 7, 1927, indicate that the Moore was a "fill-in" survey encompassing 42 acres which was that portion of the south end of the Whaley not in conflict with the senior McClelland. Surveyor Ross' bearings in his field notes for Moore are identical to those of the senior lines he calls to adjoin except the east line of the Cummins which is called N09°E. The distances are slightly different than those of the senior lines and none of his witness trees match those of the senior corners.

**SURVEYOR'S PROFESSIONAL OPINION AND CONCLUSIONS PERTAINING TO THE ORIGINAL SURVEY CONSTRUCTION:**

All appropriation of public domain in the subject area after the Chambers and Cummins Leagues were titled can be assembled into four different surveyors/periods of time:

1838- J.H. Collard, deputy district surveyor of Montgomery County, locates First Class Headrights for Gray, McKim, Knight, Bailey and Lynch. The McKim, Knight and Bailey (apparently from acreage contained in each survey) were single.

1873- A.A. Aden, County Surveyor of San Jacinto, located a Third Class Headright for Molsberger and a Bounty Grant for McClelland.

1875-1877- Solomon Carr, County Surveyor of Walker County, located Preemption Grants for Whaley, Stewart and Lewis.

1908- J.G. Ross, County Surveyor of San Jacinto County, surveys our subject parent Survey for Robert Taylor and field notes for Henry Moore in 1927. These field notes were used in the Patent, dated March 19, 1963, to Ben Whaley for 42 acres.

The principal Surveyor in our subject area was J.H. Collard. Since our parent Survey shares common lines with four of the five Surveys made in the area, I feel we must examine his work closely.

James Harrison Collard served as deputy surveyor of Montgomery County under his father-in-law William Robinson (surveyor of the Cummins League). He was also a Methodist Minister.

It becomes apparent on close examination of his field notes that he conducted the necessary field work for all of the surveys at nearly the same time. Some observations I made concerning Collard's notes are as follows:

First- his field notes for the Gray Labor call for the northwest corner of the McKim although the McKim notes are dated the next day. The third call in the Gray notes is N76°E 997 varas to the west line of the McKim. It is apparent that the McKim was on the ground when he surveyed Gray's Labor. It also appears to me that Collard may not have remeasured the east line of the Gray, that line having been run as the west line of the McKim. This is supported by the fact that he was laying out a Labor in the form of a square and again his third call in the notes is for 997 varas instead of 1000. Since any misclosure would appear in the last call of field notes, I strongly feel this was the last line Collard measured in making the survey for Gray.

Second- his field notes for McKim of one-third League make no call for adjoiner with the Gray, but do call to join the Bailey on the south, even though the Bailey notes are dated over four months later. The McKim notes, as stated earlier, call for its southwest corner call to adjoin "Betha". A page-by-page search of the Surveyor's Records of Walker county revealed no "Betha" Survey.

Third- the field notes for Bailey and Lynch call for adjoiner with "E. Graham's Labor". A search of GLO records revealed no Graham's Labor. I found a copy of field notes for a Labor surveyed by J.H. Collard, dated July 15, 1838, for Elizabeth Graham. These field notes are recorded in Book A, page 75 of the Surveyor's Records of Walker County. I suppose they were never sent to the GLO. The notes for Graham call to begin at the southeast corner of Bailey; then run S14°E 1000 varas, S76°W 1000 varas, N14°W 1000 varas and the last call is N76°E 1002 varas to the beginning. Collard calls for witness trees at all the corners of the Graham.

Fourth, and last- Surveyor Collard, apparently trying to comply with instructions to cut the initials of the grantee on the bearing trees at each corner, calls for two witness trees at each corner he made. Collard calls for different trees with the initials of whom he thought would receive a Patent for each corner he made. It should be noted the field notes for Bailey and Lynch call for the trees to be marked "WB" instead of the initials of the Patentee's. This is probably the W. Betha trees.

These observations, I feel, show that Collard's surveys in the area should be considered as a whole and not five or six separate locations. Even if they were not considered as such, from the observations above, the dates shown on Collard's field notes are questionable as to indicating actual seniority of his surveys.

All subsequent surveys made in the subject area by surveyors Aden, Carr and Ross call to adjoin senior surveys.

Therefore, from the field notes it could be concluded there could be no vacancies between these surveys and any discrepancies in distance would result in either a shortage or excess of acreage.

#### CORNERS IDENTIFIED BY RECORD INFORMATION:

The P. Gray Labor. The northwest corner of the Gray Labor as originally established by Surveyor Collard (notes dated May 11, 1838) calls for;

set post, 12"Post Oak N33°W 6.6 varas  
14"Post Oak S37°W 9 varas \*.

In 1939, Surveyor J.V. Butler while working for Gibbs Bros. & Co. found a stake and records witness trees of;

Fnd. 15"Post Oak	S10°E	8.7 varas
24"Post Oak snag	S36°30'W	12.8 varas *
Mkd. 12"Elm	S20°45'W	9.4 varas
6"Pine	N11°30'W	1.5 varas
7"Post Oak	N05°30'E	5.5 varas

In 1953, Surveyor Gene Countryman also working for Gibbs Bros. found a stake and witness trees;

Fnd. Post Oak stump	S10°E	8.7 varas
14"Elm	S21°W	9.4 varas
10"Pine	N11°W	1.5 varas
11"Post Oak	N05°E	5.5 varas

In 1956, Surveyor Countryman returns and finds a stake and records witness trees as follows;

Fnd.	Post Oak stump	S10°E	8.7 varas
	Post Oak stump	S36°30'W	12.8 varas *
	Elm (dead)	S20°45'W	9.4 varas
	10"Pine	N11°30'W	1.5 varas
	Post Oak (dead)	N05°30'E	5.5 varas
Mkd.	16"Post Oak	S63°E	1.3 varas
	13"Post Oak	S41°W	19.7 varas
	8"Post Oak	N35°W	6.3 varas

In our recent resurvey work we found this corner marked by a old rotten Pine Knot stake and witnessed by;  
NOTE: All ties to witness trees are to center.

stump hole	S37°03'W	13.05 varas *
stump hole	S11°50'E	8.82 varas
stump hole	S21°28'W	9.56 varas
17"Pine	N13°00'W	1.47 varas
22"Post Oak	S63°18'E	13.27 varas
17"Post Oak	S40°36'W	19.81 varas

The Robert Taylor southeast corner. The original notes by J.G. Ross call for;

14"Pine	N26°E	2.8 varas *
12"Pine	N67°W	5.6 varas

In 1924, Surveyor J.H. Thomason while working for Gibbs Bros. & Co. calls for a stake;

Fnd.	23"Pine	N27°E	2.6 varas *
Mkd.	6"Sweet Gum	S75°E	10.5 varas
	10"Hickory	S74°W	9.8 varas

In 1952, Surveyor Gene Countryman also working for Gibbs;

Fnd.	Pine stump	N27°E	2.6 varas *
	11"Sweet Gum	S75°E	10.5 varas
	12"Hickory	S73°W	9.8 varas
Mkd.	9"Double Red Oak	S51°E	14.2 varas
	8"Red Oak	N54°W	3 varas

In our resurvey work we found this corner marked by a 3" Concrete Monument with a broken top and witnessed by;

Pine stump	N28°47'E	2.83 varas *
8"Sweet Gum	S75°04'E	10.45 varas
9"Red Oak	N53°17'W	3.10 varas

The Robert Taylor southerly northwest corner same being the northeast corner of the Albert Molsberger survey.

The original notes of the Molsberger by A.A. Aden call for;

Red Oak (X)	S26°W	5.8 varas *
Post Oak (X)	N59°W	13.6 varas *

The original notes of the Taylor by J.G. Ross call for;

20"Red Oak	S02°W	5.8 varas *
8"Post Oak	N57°W	13.6 varas *

In 1924, Surveyor J.H. Thomason while working for Gibbs Bros. & Co. found a stake;

Fnd.	23"Red Oak	S25°W	5.7 varas *
	12"Post Oak	N57°W	13.6 varas *
Mkd.	10"Hickory	S03°W	4.4 varas
	13"Sweet Gum	S46°E	6.0 varas
	4"Pine	N45°30'W	2.3 varas

In 1952, Surveyor Gene Countryman also working for Gibbs Bros. calls for a "Copper Top";

Fnd.	13"Post Oak	N57°W	13.6 varas *
	7" Pine	N46°30'W	2.3 varas
	10"Hickory	S02°W	4.4 varas
Mkd.	10"Post Oak	N58°E	12.6 varas
	14"Pine	S61°W	7.8 varas

In our resurvey work we found this corner marked by a 3" Concrete Monument with a brass disc witnessed by;

	stump hole	S23°31'W	6.03 varas *
	11"Hickory (dead)	S01°50'W	4.68 varas
	10"Pine	N46°21'W	2.29 varas
	stump hole	S71°27'E	6.21 varas
	22"Pine snag	S58°46'W	7.76 varas

The southwest corner of the Gray Labor same being the most northerly northwest corner of the Stewart Survey. This corner being also the most easterly corner of the Henry Moore original field notes. Surveyor J.G. Ross in the Moore notes, dated October 7, 1927, calls for this corner to be common with the Gray and Stewart. He calls for this corner to be witnessed by a 12"Hickory N70°W 6.8 varas \*.

In 1954, W.O. Kirkland, a Licensed State Land Surveyor, surveyed the Dan Harrison Estate for a partition. The Harrison land is situated in the Gray Labor and comprised about half the south end of the same. Surveyor Kirkland's field notes, dated February 16, 1954, are recorded in Volume 85, Page 80 of the San Jacinto County Deed Records. Kirkland calls for a stake at the southwest corner of the Gray Labor witnessed by;

	16"Red Oak	N41°W	3.2 varas
	15"Hickory (dead)	N63°W	6.4 varas *

In 1972, this corner being the most northerly northeast corner of a 166.281 acre tract described in a Deed from Sallie Wynne Reynaud to Horizon Properties Corporation, dated November 30, 1972 and recorded in Volume 251, page 708 Deed Records of Walker County, Texas. The preamble in this Deed calls this 166.281 acre tract to be all the F.A.W. Stewart Survey, Abstract No. 696. The description in this Deed is not signed by a surveyor. The Deed calls for this corner to be marked by a 3/4" iron pipe and witnessed by;

	24"Oak	N64°W	3.13 varas
	14"Elm	N78°E	7.99 varas

We found this corner marked by a 3/4" iron pipe and witnessed by;

	20"Red Oak snag	N60°41'W	3.34 varas
	14"Elm (dead)	N81°42'E	8.24 varas

#### OTHER OLD CORNERS USED IN THE CONSTRUCTION OF THIS SURVEY:

The southwest corner of the T.J. Chambers League. We were unable to identify any of the trees called for by J.G.W. Pierson in his original survey of the Chambers at this corner, neither were the subsequent surveyors doing retracement work able to identify the original trees; however, Surveyor Collard apparently found the corner and Oak called for by Pierson. Surveyor Collard wrote field notes for Edward Bailey, assignee of Thomas Tobin, for 873663.5 Square Varas. These notes, dated January 26, 1839, are recorded in Book A, page 98, Surveyor's Records of Walker County, Texas.

The calls in the Chambers title are for " a stake bearing South 68° East 20 varas from an oak and North 80° East 1 vara from a pine".

Collard's field notes for Bailey, Assignee, call for the northwest corner of the Gray Labor then runs N76°E, with the Gray 610 varas to Chambers southwest corner. Collard calls for a set post from which a 24" Pine bears S83°E 5.4 varas and a 14" Post Oak N52°30'W 20 varas.

The Chambers survey, as stated earlier, was apparently run on magnetic. If this was the case, as I feel it is, and the Magnetic Declination at this time being around 10° East. The Oak called for by Pierson would be N58°W 20 varas from the corner. This is only 7°30' off the bearing called for by Collard and the distance matches exactly.

In 1928, Surveyor J.H. Robinson while working for Gibbs Bros. & Co. either found or set a stake and marked witness trees as follows;

6"Sweet Gum	N51°30'E	5.6 varas
8"Hickory	N63°45'E	8.2 varas
13"Sweet Gum	S21°E	4.4 varas
10"Post oak	S29°W	11.2 varas

In our current retracement work we found a 3" Pine Knot stake witnessed by;

stump hole	N50°04'W	5.87 varas
Hickory stump	N64°10'E	8.31 varas
stump hole	S18°39'E	4.41 varas
20"Post Oak	S29°28'W	11.24 varas

The northwest corner of the Charles McKim same being the northeast corner of the Pleasant Gray. We were not able to identify any of the original trees called for. We were able to establish a "chain" as follows:

In 1905, Surveyor J.M. Hall while doing a survey of 765 acres on the west end of the McKim set or found a rock at this corner. He calls for witness trees as follows;

6"Pine	S29°E	0.8 vara
8"Post Oak	S29°E	3.8 varas

In 1928, Surveyor Robinson while working for Gibbs found or set a stake and records the witness trees as follows;

Fnd.	9"pine (dead)	S29°E	0.8 vara
	14"Post Oak	S29°E	3.8 varas
Mkd.	7"Post Oak	S29°E	0.4 vara
	9"Post Oak	S27°30'W	7.9 varas
	16"Ash	N83°W	9.5 varas
	10"Post Oak	N35°15'W	5.3 varas

In 1953, Surveyor Countryman also working for Gibbs Bros. & Co. records the witness trees as follows;

	10"Post Oak	N70°W	16.6 varas
	15"Post Oak	N36°W	5.3 varas
	12"Post Oak	N33°E	16 varas
	11"Pine	N18°E	21.3 varas

We found this corner marked by a 3" Concrete Monument with a brass disc and witnessed by;

stump hole	S00°54'W	0.72 vara
Post Oak stump	N69°28'W	16.66 varas
8"Post Oak	N66°55'W	33.12 varas
Post Oak stump	N37°30'W	5.36 varas
16"Post Oak	N32°17'W	16.06 varas
25"Pine	N18°00'E	21.46 varas



The southeast corner of a called 83 1/2 acre tract off the north end of the Gray Labor. This corner is called to be in the east line of the Gray and was established by Surveyor Gene Countryman in 1956. He calls for a Concrete Monument and marks witness trees as follows;

26"Red Oak	S03°E	5.2 varas
14"Post Oak	S80°W	29.4 varas
7"Red Oak	N66°E	22.8 varas
12"Elm	S29°E	19.9 varas
10"Post Oak	S60°E	12.9 varas

We found this corner marked by a 3" Concrete monument with a brass disc and witnessed by;

7"Pine	N51°34'E	3.30 varas
12"Red Oak	N65°50'E	22.83 varas
14"Post Oak	S60°08'E	12.98 varas
13"Post Oak (dead)	S28°40'E	19.76 varas
28"Red Oak (dead)	S05°52'E	6.62 varas

The southeast corner of the McKim same being the northeast corner of the Bailey. We were unable to identify any of the original trees at this corner however we did establish history as follows;

In 1899, Surveyor J.M. Hall either found or set a stake at the southwest corner of the McKim same being the southwest corner of the 765 acre tract he surveyed in the McKim. This is also called to be the northwest corner of the Bailey same being the northwest corner of a 168 acre tract he surveyed off the west end of the Bailey in 1899. Surveyor Hall calls for the same witness trees in his field notes of both the 765 and 168 acre surveys. They are as follows;

10"Hickory	N12°E	7 varas
4"Black Jack Oak	N65°W	2.8 varas

In 1928, Surveyor W.T. Robinson while working for Gibbs Bros. & Co. found this corner and records witness trees;

Fnd. Black Jack stump	N65°W	2.8 varas
15"Hickory	N11°E	7 varas
Mkd. 7"Hickory	N64°45'E	21 varas
10"Hickory	N30°E	22.4 varas
16"Post Oak	N25°30'E	19.6 varas
5"Pine	N23°15'W	17.7 varas

In 1952, Surveyor Countryman also working for Gibbs finds this corner and records witness trees;

Fnd. Post Oak stump	N25°30'E	19.6 varas
14"Hickory	N30°E	22.4 varas
14"Hickory (dead)	N65°E	21 varas
13"Pine	N23°W	17.7 varas
Mkd. 14"Post Oak	N66°E	20.3 varas
14"Pine	S55°E	10.8 varas
9"Pine	N02°W	9.6 varas

In our recent work we found this corner marked by a 3" concrete monument with a brass disc and witnessed by;

13"Pine (dead)	N23°32'W	18.04 varas
Stump Hole	N01°57'W	9.72 varas
13"Post Oak	N65°47'E	20.34 varas
24"Pine	S54°24'E	10.80 varas

The southwest corner of the Bailey Survey same being the most northerly corner of the Lynch Survey.

In 1899, Surveyor J.M. Hall found or set a stake for this corner. This is also the southwest corner of the 168 acre tract out of the west end of the Bailey Survey. Hall calls for the corner to be witnessed by ;

10" Pine	S06°E	8.4 varas
6" Pine	N40°W	7.8 varas

In 1924, Surveyor J.H. Thomason while working for Gibbs Bros. & Co. apparently found this corner and records witness trees as follows;

Fnd.	15" Pine (XX)	N41°15'W	7.8 varas
Mkd.	9" Red Oak	S58°W	10.5 varas
	5" Post Oak	S24°30'W	10.1 varas
	9" Post Oak	N64°30'E	2.0 varas

In 1952, Surveyor Countryman, also working for Gibbs, found this corner and records the trees as;

Fnd.	Pine stump	N42°W	7.8 varas
	11" Post Oak	N64°E	2.0 varas
	7" Post Oak	S25°E	10.1 varas
Mkd.	14" Pine	S66°W	11.9 varas
	9" Post Oak	N30°W	8.9 varas

We found this corner marked by a 3" concrete monument with a brass disc and witnessed by;

11" Post Oak	N62°09'E	2.00 varas
14" Pine	S27°15'E	11.41 varas
17" Pine	S67°09'W	11.90 varas
8" Post Oak	S23°48'E	10.10 varas
Stump hole	N41°50'W	7.92 varas
11" Post Oak	N30°37'W	8.90 varas

The most easterly or northeast corner of the Lynch Survey same being the northwest corner of the Knight Survey. We established the history of this corner as follows;

In 1924, Surveyor J.H. Thomason, again working for Gibbs, apparently found a corner with witness trees at this corner. These were probably those of Surveyor J.M. Hall although I found nothing of record to prove they were. Surveyor Thomason calls for a stake witnessed by;

Pine snag	N40°E	3.0 varas
19" Pine	N02°E	12.3 varas
17" Pine	N34°30'E	10.2 varas
8" Post Oak	N08°W	2.5 varas
7" Post Oak	N55°30'W	5.0 varas
10" Post Oak	N22°W	8.9 varas

In 1962, Surveyor Gene Countryman while working for Gibbs Bros. & Co. calls for this corner to be marked by a concrete monument and witness trees as follows;

Fnd.	Pine stump	N40°E	3 varas
	Pine stump	N34°E	10.2 varas
	8" Post Oak	N08°30'W	2.5 varas
	10" Post Oak	N22°30'W	8.9 varas
Mkd.	12" Post Oak	N47°E	12.7 varas
	10" Post Oak	S39°E	4.7 varas

In our retracement work we found this corner marked by a 3" concrete monument with a brass disc and witnessed by;

Pine stump	N01°47'E	12.68 varas
10" Post Oak	N09°15'W	2.62 varas
stump hole	N53°46'W	4.81 varas
11" Post Oak	N22°02'W	9.01 varas
15" Post Oak	N44°58'E	12.80 varas
11" Post Oak	S40°58'E	4.62 varas

The southwest corner of the Taylor Survey same being the southeast corner of the Molsberger. Surveyor A.A. Aden, in locating the Molsberger, calls for a stake in the north line of the Lynch form which a Post Oak (X) bears N76°E 11.8 varas. Surveyor Ross' survey for Taylor calls for the southeast corner of the Molsberger and for a 24" Post Oak (dead) N76°E 11.8 varas.

In 1924, Surveyor Thomason set a stake for this corner and marks witness trees as follows;

6" Pine	S56°30'W	6.2 varas
8" Sweet Gum	S13°30'W	11.4 varas
15" Post Oak	S03°E	9.6 varas
4" Post Oak	N33°W	2.7 varas

In 1952, Surveyor Countryman finds this stake and calls for the witness trees as;

Fnd.	6" Post Oak	N34°W	2.7 varas
Mkd.	9" Post Oak	S82°E	3.4 varas
	12" Pine	S10°E	8.7 varas
	11" Sweet Gum	S13°W	11.4 varas

In our work, we found this corner marked by a 3" concrete monument with a brass disc and witnessed by;

9" Post Oak	N32°54'W	2.58 varas
10" Post Oak	S79°41'E	3.47 varas
15" Pine snag	S10°04'E	8.71 varas
stump hole	S04°18'E	9.25 varas
10" Sweet Gum	S11°47'W	11.55 varas

The most easterly southeast corner of the Stewart Survey same being an ell corner of the Robert Taylor.

The aforementioned Deed from Reynaud to Horizon calls for this corner to be marked by a 5/8" iron rod and witnessed by;

10" Pine	N79°E	1.01 varas
12" Pine	S59°W	5.08 varas
5" Post Oak	N06°E	5.22 varas

We found this corner marked by a 5/8" iron rod and witnessed by;

17" Post Oak	N03°31'W	5.26 varas
15" Pine	N85°09'E	1.16 varas
15" Pine	S62°54'W	5.35 varas

#### CONSTRUCTION:

All the corners mentioned in this report, whether being able to tie them back to the original field notes or not, have been recognized by surveyors and landowners in the area for many years. There has been some fairly recent survey work in this area which I did not honor although it was considered.

The northeast and northwest corners of the Robert Taylor Survey are the only corners of the Taylor which confusion has arisen. My construction of this line and north corners is to place the northeast corner of the Taylor in the monumented west line of the McKim 500 varas north of the monumented southwest corner of the McKim. This figure was derived by subtracting the call distance of the Gray (1000 varas) from that of the McKim (1500 varas). This will make the east line of the Gray Labor 1020.56 varas or an excess of 20.56 varas.

I agree with Malcom Bamberg, LSLs of the GLO "that the position of a lost corner is where the evidence places it". The evidence leading to this decision is as follows;

First- this construction would make the south line of the Gray  $N75^{\circ}57'56''E$  1001.36 varas from the it's southwest corner. This is almost the exact course called for in the original notes. In one of the most cited cases in Texas boundary law, *Stafford v. King* 30 Tex. 257 (1867) it is stated "...distance is less reliable than course...".

Second- this is where Surveyor W.O. Kirkland found the south line of the Gray. His field notes call for the east line of the Harrison Estate from it's common corner with the 83 1/2 acre tract on the north end of the Gray to the southeast corner of the Gray to be 541 varas. We find this distance to be 541.02 varas. Placing the south line of the Gray as we have done will also fit Kirkland's partition corners found marked along this line by Pine Knot stakes, set Rocks and iron bed rails.

The northeast corner of the Taylor is on the north edge of the Riverside to Staley graded road. Mr. Bill Larrison remembers a large Post Oak standing in the center of the road. The road forked and ran on both the north and south sides of this tree. We were unable to locate the exact position of this tree in the present road bed. It is very likely that this was the tree called for by J.G. Ross in his field notes of the Taylor Survey.

As stated before, the east line of the Gray is 20.56 in excess of it's call distance. We found the west line of the Gray to be  $S14^{\circ}19'15''E$  1018.15 varas. This is also about 20 varas in excess of the called distance. This could indicate that Surveyor Collard made a 20 vara mistake in measuring the west line of the Gray. It is likely he was using a 20 vara chain or maybe a Gunter's chain converted to 20 varas in making his surveys. As stated above it appears Collard may not have measured the east line of the Gray and discovered his error. Again citing *Stafford V. King* "It is the duty of the surveyor to run round the land...". I think the evidence shows that Collard was a competent surveyor but didn't re-run the east line of the Gray or "run round the land" for reasons stated above.

The northwest corner of the Taylor was established by following an old marked line from the southeast corner of the Stewart to it's intersection with the south line of the Gray Labor. There are two marked lines originating from the southeast corner of the Stewart. The old line which was followed, course  $N14^{\circ}20'04''W$ , is almost exactly parallel with the west line of the Gray Labor. The newer marked and painted line, general course  $N12^{\circ}29'W$ , is the Deed line of said Deed from Reynaud to Horizon.

By establishing the northwest corner of the Taylor using the old marked line, the north line of the Taylor is 288.45 varas and the easterly north line of the Stewart is 712.91 varas. The Taylor being 1.55 varas short of it's called distance and the Stewart being 2.08 varas short. Using the general rules of construction one would, after establishing the south line of the Gray Labor, use the called distance in the Stewart field notes to fix the northeast corner of the Stewart and therefore the northwest corner of the Taylor.

But here again we have evidence to indicate the corner, as we have constructed it, is where the original surveyor placed it. Besides the old marked line along the east line of the Stewart, the Taylor notes call to pass Mill Creek at 60 varas along the north line. This distance is 60.5 varas. This creek, known today as East Carolina, apparently has not changed its course because the Gray notes call to pass it at 773 varas and we find it to be 773.4 varas.

In reference to passing calls, I would like to call to your attention the case of Davenport v. Bass 137 Tex. 248 (1941). In this case passing calls were given "locative" value. The called distances along the lines of a survey were made subordinate to passing calls.

The southeast corner of the Taylor still has the remains of an original witness tree which matches very closely to the call in the original notes.

The concrete monument at the southwest corner of the Taylor is almost exactly the called course and distance from the southeast corner and has been recognized at least since 1924.

The most southerly northwest corner of the Taylor same being the northeast corner of the Molsberger can be tied by a "chain" of survey work to the original field notes of the Molsberger.

The most southerly west line of the Taylor same being the east line of the Molsberger is called to be N14°W 800 varas. We found this line to be N14°38'58"W 810.57 varas. The Molsberger notes call to pass a branch on it's east line 280 varas S14°E of it's northeast corner. We found this distance to be 293.3 varas indicating the mistake in measuring this line may have occurred somewhere between the northeast corner of the Molsberger and this branch. Surveyor Ross does not have any passing calls along this line.

The southeast corner of the Stewart same being an ell corner of the Taylor is almost exactly the called course and distance from the southerly northwest corner of the Taylor.

The corners along the west lines of the McKim and Bailey Surveys were honored. J.M. Hall, I know from following his work through the years, was a very competent and conscientious surveyor. Hall, a graduate of Texas A & M, was on the ground and either found or set these corners prior to the Taylor being surveyed by Ross.

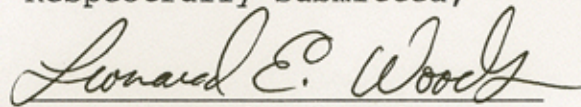
The northeast line of the Lynch Survey is found to be N60°18'23"W 1762.00 varas or 4 varas in excess of the original call.

I find the Robert Taylor to contain 579,731.7 Square Varas or 102.69 Acres. The original call was for the Taylor to contain 102 Acres by J.G. Ross.

The south one-half of the Taylor was calculated making the division line between the north and south halves parallel with the south line of the Taylor.

Therefore, I am returning along with this report and plat my original field notes for the Julius F. Franki Survey, Abstract No. 495, of 51.345 Acres of land or 0.345 acre in excess of the original acreage previously paid for.

Respectfully Submitted,



Leonard E. Woods  
Licensed State Land Surveyor

