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May 24, 2001

The Honorable David Dewhurst
 Commissioner, Texas General Land Office
 Stephen F. Austin Building
 1700 North Congress Avenue
 Austin, Texas 78701-1496

File No. Sketch File 24
 County San Jacinto
Report of Resurvey of SF-11821
 Date Filed: June 8, 2001
 By David Dewhurst, Commissioner
Douglas Howard
 PLAT- RID. SK. 15*
 REPORT

Re: **SURVEY REPORT SF-11821**
 San Jacinto County, Texas

Dear Commissioner Dewhurst:

This report is submitted along with a Plat and Corrected Field Notes in reference to V.T.C.A., Natural Resources, Code § 51.249, 51.250, 51.251. The "J.M. Hansbro Survey No. 56, Certificate No. S.F. 11821" survey was sold by the School Land Board and a Land Award and Receipt, dated January 18, 2001, was issued to 3 Caballeros, LLC. The sales price was \$54,600.00. The original field notes of S. F. 11821 called to contain 62 acres.

At the request of Mr. Andy Flack, representing the owner 3 Caballeros, LLC, I have completed a survey of S. F. 11821 located in San Jacinto County. This survey contains a total of 64.54 acres, of which 20.60 acres is in conflict with a senior patented survey. This conflict area was included in a sale of 2576 acres from Foster Lumber Company to United States of America by Deed dated May 22, 1936 and recorded in Volume 33, page 77, Deed Records of San Jacinto County. Our survey finds that S.F. 11821 contains 43.94 acres not in conflict with senior adjoining surveys.

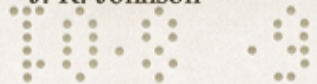
INFORMATION USED IN MAKING OUR SURVEY:

- A. All GLO field notes of the surrounding surveys (listed below).
- B. Deeds of all surrounding tracts from Deed Records of San Jacinto County, Texas.
- C. Copy of field books and private records of:
 - a. U.S. Department of Agriculture-Forest Service, Lufkin, Texas.
 - b. U.S. Department of Agriculture-Forest Service, New Waverly, Texas.
 - c. Gibbs Brothers & Co., L.P., Huntsville, Texas.
 - d. Cleveland Surveying Company, Cleveland, Texas.
 - e. Texas Forest Service, Cleveland, Texas.
 - f. San Jacinto County Appraisal District, Coldspring, Texas.
- D. Working Sketch of San Jacinto County, scale 1"= 600 varas, dated September 20, 1934 prepared by J. O. Barrow of the GLO.
- G. Field Notes, Sketch and Survey Report by J. G. Ross in conjunction with S.F. 13645.

HISTORY OF THE CONSTRUCTION OF THE SURVEYS BY GLO NOTES:

<u>Survey</u>	<u>Survey Date</u>	<u>Surveyor</u>	<u>Status</u>
John Faulk 1-110	June 30, 1838	H. B. Littlefield	Patented
George Taylor 1-206	December 29, 1838	J. R. Johnson	Patented
Kindales Bryan 1-289	April 28, 1854	J. R. Johnson	Patented
Merrit Hutchins 2-103	December 19, 1856	J. R. Johnson	Patented

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Robert Kilgore 3-414	September 20, 1857	J. R. Johnson	Patented
B.B.B. & C. RR. CO. S-675	December 12, 1874	J. G. Minter	Patented
Thos. L. Westbrook 3-638	December 14, 1874	J. G. Minter	Patented
I. & G. N. RR. Co. S-817	October 23, 1877	C. P. Alben	Patented
Heirs James Booth 3-637	January 29, 1879	A. A. Aden	Patented
H. & T. C. RR. CO. S-400	August 29, 1890	Jas. G. Weed	Patented
R. C. MILLER LBR. CO. SF-6340	August 22, 1904	Bob McMicken	Patented
S. F. 11821	July 27, 1917	J. G. Ross	Land Award
S.F. 13428	July 10, 1933	J. G. Ross	Rejected
S.F. 13645	October 10, 1935	J. G. Ross	Patented

The GEORGE TAYLOR SURVEY of 26 Labors, surveyed by J. R. Johnson, calls its east line, South 5020 varas to a stake and marked a 14" Pin Oak (JB) N 66°W- 6.7 varas and a 12" Red O. (X) S 82°E- 6 varas. Its most easterly south line, West 4561 varas to the northeast corner of the WILLIAM BUSBY SURVEY, stake 12" Red O. (JB) N 65°30'W- 7 varas and a 10" W.O. (JR) S 79°W- 5.7 varas.

The KINDALES BRYAN SURVEY of 11,151,410 Square Varas, also surveyed by J. R. Johnson, calls to begin at the southeast corner of said BUSBY survey and for its west line to be South 2845.6 varas and join the same.

The B. B. B. & C. RR. CO. SURVEY of 576 acres, surveyed by J. G. Minter, calls to begin at the northeast corner of the BUSBY survey and run South 1000 varas with the east line of the same to the northwest corner of the KINDALES BRYAN SURVEY. Surveyor Minter calls to adjoin senior surveys of BRYAN on the west, TAYLOR to the north and the B. B. B. & C. RR. CO. on the south. Surveyor Minter's field notes state he found original witness trees at the west corners of his survey.

The HEIRS of JAMES BOOTH SURVEY of 320 acres, surveyed by A. A. Aden, calls to begin at the northeast corner of the BRYAN and calls to adjoin senior surveys of JOHN FAULK and GEORGE TAYLOR. Surveyor Aden does not call for an adjoiner along the west line of his survey of 320 acres.

The subject survey, S.F. 11821, was surveyed by J. G. Ross, County Surveyor of San Jacinto County on July 27, 1917. In accordance with Act of April 15, 1905, an application was filed by J. M. Hansbro on July 23, 1917 with J. G. Ross to have an alleged vacancy surveyed with the intention of purchasing it. Surveyor Ross' field notes, containing 62 acres, is basically rectangular in form, 317 varas east-west by 1100 varas north-south. This survey calls to adjoin senior surveys on all four sides and these were returned to the G.L.O. Correspondence in this file indicate Mr. Hansbro apparently died sometime before 1935 and never completed the purchase. Notice, dated October 19, 1936, was given to Mrs. J. M. Hansbro that if the purchase was not completed in 60 days, it would be subject to advertisement for sale to the highest bidder.

The School Land Board sold "J.M. Hansbro Survey No. 56, Certificate No. S.F. 11821" by Land Award and Receipt dated January 18, 2001 to 3 Caballeros, LLC.

COMPARISON OF SURVEYS BY GLO NOTES

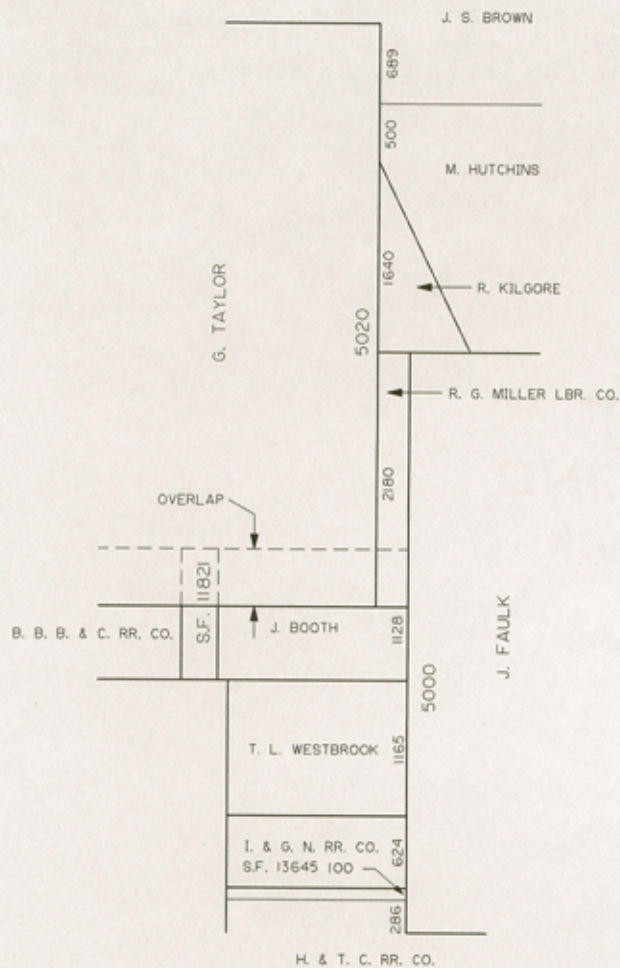
A comparison of the north-south distances of original surveys made for TAYLOR and FAULK and junior surveys adjoining them is shown in FIGURE "A" below:

As shown by Figure "A", the junior surveys adjacent to the east line of the TAYLOR agree closely with the TAYLOR distance of 5020 varas, but the sum of those adjacent to the west line of the FAULK are 483 varas longer than the FAULK distance of 5000 varas.

The surveys made by the U. S. government (see Exhibit "A") have the east line of the TAYLOR 5108.3 varas in length and the west line of the FAULK 5105.9 varas excessive by 88.3 and 105.9 varas respectively. It's not uncommon to find this amount of excess in lines 5000 varas in length of surveys made in 1838. For sake or comparison with my retracement, I noted that if you take the government survey distance of 5105.9 varas along the west line of the FAULK and



subtract the calls of the junior surveys of 5483 varas, you get 377.1 varas excess. My retracement shows the overlap of S.F. 11821 onto the TAYLOR to be 368.14 varas.



COMPARISON OF RECORD LENGTHS

EAST LINE G. TAYLOR

JUNIOR SURVEYS	LENGTH
BROWN	689
HUTCHINS	500
KILGORE	1640
MILLER LBR. CO.	2180
TOTAL	5009
G. TAYLOR	5020

WEST LINE J. FAULK

JUNIOR SURVEYS	LENGTH
MILLER LBR. CO.	2180
BOOTH	1128
WESTBROOK	1165
I. & G. N. RR. CO.	624
S.F. 13645	100
H. & T. C. RR. CO.	286
TOTAL	5483
J. FAULK	5000

FIG. "A"

CORNERS IDENTIFIED BY RECORD INFORMATION:

The first corner we were able to identify as original was the southeast corner of the B. B. B. & C. RR. CO. SURVEY, file L-S-675, Abst.-82. The original field notes dated December 12, 1874 call: Stake, 10" White Oak (X) S 20°W- 4
10" Pine (X) S 65°E- 5

S. F. 11821, by J. G. Ross July 27, 1917:
SE cor. B. B. B. & C. RR. CO. SURVEY
8" Pine S 81°W- 3
White Oak (now fallen) N 80°W- 4.2

S. F. 13428, by J. G. Ross July 10, 1933:
SE cor. B. B. B. & C. RR. CO. SURVEY
16" White Oak S 20°W- 4 (now gone but was standing in 1913)
10" Pine N 56°E- 1
16" Pine S 14°W- 1

Resurvey of Ella McMurrey Estate by S. L. McAdams date uncertain (1960±):
SE cor. B. B. B. & C. RR. CO. SURVEY and north line K. BRYAN
Set concrete monument with brass cap "E. McMurrey Est."
Stump hole (pine roots visible) S 65°E- 5
Stump hole (oak roots visible) S 20°W- 4
9" Hickory S 85°E- 3.8
6" Sweet Gum N 48°W- 9.7
8" Red Oak N 57°W- 3.2

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10" Pine S 52°W- 1.6

Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S., March 20, 2001:
SE cor. B. B. B. & C. RR. CO. SURVEY, SW cor. S. F. 11821, in north line BRYAN;
Found 3-1/2" diameter concrete monument with brass cap stamped "E. MCMURREY
EST."

Found 11" Hickory S 87°E- 3.8

Found 11" Sweet Gum N 48°30'W- 9.9

The next corner we were able to identify as original was the northwest corner of the J.M. Hansbro Survey No. 56, Certificate No. S.F. 11821. This corner is called to be common with the northeast corner of the B. B. B. & C. RR. CO. and be in the south line of the G. TAYLOR.

The original field notes of the B. B. B. & C. RR. CO. dated December 12, 1974 call:

Stake south line G. TAYLOR

24" Pine S 80°E- 5

10" Pine S 12°E- 6

Field Notes of S.F. 11821, dated July 27, 1917 by J. G. Ross:

16" Black Gum S 13°W- 12.2

Pine stump S 57°E- 2.7

Field Notes of S.F. 13428, dated July 10, 1933 by J. G. Ross:

30" Black Gum S 07°W- 15.8

14" Black Gum S 05°E- 16.6

United States Department of Agriculture, Forest Service field book H-46, page 14 dated February 1, 1935 by H. J. Daugherty:

Found old stake and stump holes of original trees

12" Black Gum S 03°E- 16.9

22" Black Gum S 07°W- 16.2

Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S., March 20, 2001:

Northeast corner B. B. B. & C. RR. CO. and northwest corner S.F. 11821;

Found rotten Pine Knot stake for corner.

Found 22" Black Gum S 07°22'W- 15.9

Found 17" Black Gum S 04°23'E- 16.5

The next corner we were able to identify as original was the northeast corner of the J.M. Hansbro Survey No. 56, Certificate No. S.F. 11821. This corner is called to be common with the northwest corner of the J. BOOTH and to be in the south line of the G. TAYLOR.

The original field notes of the J. BOOTH dated January 29, 1879 call:

Stake

Field Notes of S.F. 11821, dated July 27, 1917 by J. G. Ross:

14" Sweet Gum N 87°W- 7.2

8" Pine S 62°W- 1.9

Field Notes of S.F. 13428, dated July 10, 1933 by J. G. Ross:

8" Pine N 01°W- 1.9

United States Department of Agriculture, Forest Service field book H-46, page 15 dated February 1, 1935 by H. J. Daugherty:

Found old stake

8" Pine N 01°W- 1.9

18" Sweet Gum (leaning) S 88°W- 7.1

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Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S. March 20, 2001:
Northeast corner S.F. 11821, northwest corner J. BOOTH;
Calculated Point for Corner.
Found Pine stump N 01°W- 1.9 (see Exhibit "F")

OTHER OLD CORNERS USED IN THE CONSTRUCTION OF THIS SURVEY:

I accepted a Deed corner for the southeast corner of the J.M. Hansbro Survey No. 56, Certificate No. S.F. 11821. The original field notes dated July 27, 1917 call:
SW cor. Heirs of JAMES BOOTH 320 acres
6" Pine N 46½°W- 6½
6" Pine S 87½°E- 7.2

Resurvey field notes of Heirs of JAMES BOOTH 230.8 acres by J. G. Ross in report on S. F. 13645 dated October 26, 1935:
SW cor. JAMES BOOTH on north line KENDALES BRYAN
7" Pine N 65°E- 5.4
7" Pine S 19°W- 7.4

United States Department of Agriculture, Forest Service field book H-46, page 13 dated January 5, 1937 by J. D. F.: Set I.P. beside Pine Knot for corner established by Ross and accepted by the Land Office thus used as SE corner of Vacant Tract
7" Pine N 48°E- 7.8
6" Pine S 22°W- 4.5

United States Department of Agriculture, by Chester V. Ellisor, Forestry Tech., February 3, 1966: Found 1" iron pipe & pine knot painted red
Set 1-¼" iron pipe with 3" diameter aluminum cap
14" Pine N 49°E- 7.8
11" Pine S 22°W- 4.5
10" Pine S 49°E- 6.2

Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S. March 20, 2001:
SW cor. HEIRS of JAMES BOOTH, SE cor. S. F. 11821; north line BRYAN;
Found 1-¼" iron pipe with 3" diameter aluminum cap stamped "Cor. 26, J-2"
With 1" iron pipe (found) on west side
Found 16" Pine S 24°33'W- 4.6
Found 13" Pine N 49°12'E- 8.0

I accepted a Deed corner called to be at the intersection of the east line of the B.B.B. & C. RR. Co. and the west line of S.F. 11821 with the south line of the GEORGE TAYLOR. This corner was used in my construction as the south line of the TAYLOR.

United States Department of Agriculture, Forest Service field book H-77, page 54 dated November 1936 by J. D. Fulton: Set iron pin for corner
7" Pine S 87½°W- 12.4
12" Pine N 78½°E- 4.0

Resurvey of Ella McMurrey Estate by S. L. McAdams, date uncertain (1960±):
NE cor. B. B. B. & C. RR. CO. SURVEY and south line G. TAYLOR
Set concrete monument with brass cap "E. McMurrey Est."
12" Pine N 49°W- 5.5
12" Red Oak N 70°W- 12.5
12" Red Oak N 80°W- 11.1
14" Red Oak S 76°W- 15.4

United States Department of Agriculture, by Chester V. Ellisor, Forestry Tech., October 5, 1967: Found iron pipe concrete monument stamped "E. McMurrey Est."

Set 1-1/4" iron pipe with 3" diameter aluminum cap

21" Pine N 82°E- 4.3

Pine stump S 87°W- 12.6

11" Red Oak N 80½°W- 11.3

13" Red Oak N 71°W- 12.8

14" Pine N 05½°W- 5.7

United States Department of Agriculture, August 14, 1978, by "RJ":

Found 1-1/4" iron pipe with 3" diameter aluminum cap

Found 21" Pine (fallen) N 82°E- 4.3

" 11" Red Oak (fallen) N 80½°W- 11.3

" 13" Red Oak (fallen) N 71°W- 12.8

" Pine stump N 05¼°W- 5.7

Marked 13" White Oak N 12½°E- 11.4

" 9" Pine N 67½°E- 12.1

" 8" Pine S 71½°W- 8.6

Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S. March 20, 2001:

Intersection east line B. B. B. & C. RR. CO. and west line S.F. 11821 with south line G. TAYLOR; Set a 5/8" iron rod with a 2" diameter aluminum cap stamped "L. E. WOODS TEXAS L.S.L.S." from which a 1-1/4" iron pipe with 3" diameter aluminum cap (found) stamped "Cor. 28, J-2" bears N 89°56'41"W- 1.23. A 1" iron pipe was found on the northwest side of this 1-1/4" pipe and a 3-1/2" concrete monument with a brass cap stamped "E. MCMURREY EST." was found on its west side. This 1-1/4" iron pipe with 3" diameter aluminum cap is witnessed by:

Found Pine stump N 81°E- 4.3

Found Red Oak (fallen) N 81°W- 11.2

Found Red Oak (fallen) N 72°W- 12.7

Found 14" White Oak N 09°E- 11.4

Found 13" Pine N 64°E- 12.0

Found 13" Pine S 70°W- 8.5

I accepted the U.S.F.S. Deed corner called to be at the intersection of the west line of the J. BOOTH and the east line of S.F. 11821 with the south line of the GEORGE TAYLOR. This corner was used in my construction as the south line of the TAYLOR.

United States Department of Agriculture, Forest Service field book H-77, page 53A dated November 1936 by J. D. Fulton:

Set iron pin for corner beside old stake

12" Pine S 73°W- 6.4

8" Sweet Gum N 78°W- 10.7

6" Hickory S 20°E- 1.9

7" Pine N 60½°E- 6.4

Surveyors Report of S.F. 13645 dated October 26, 1935 by J. G. Ross:

Stake, old marked line running west

United States Department of Agriculture, by Chester V. Ellisor, Forestry Tech., October 5, 1967:

Set 1-1/4" iron pipe with 3" diameter aluminum cap stamped "Cor. 27, J-2"

Found Pine stump S 74°W- 6.4

" 9" Hickory S 20°E- 1.9

" 9" Pine N 59°E- 6.4

Marked 5" Pine N 04°W- 7.5

United States Department of Agriculture, March 4, 1988, by "RJ":

Found 1-1/4" iron pipe with 3" diameter aluminum cap

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Found Pine stump S 74°W- 6.4
“ 9” Hickory S 20°E- 1.9
“ Pine snag N 59°E- 6.4
“ 5” Pine N 04°W- 7.5
Marked 15” Pine S 68°W- 2.4

Resurvey of S.F. 11821 by Leonard E. Woods, L.S.L.S. March 20, 2001:
Intersection west line J. BOOTH and east line S.F. 11821 with south line G. TAYLOR;
Set a 5/8” iron rod with a 2” diameter aluminum cap stamped “L. E. WOODS TEXAS
L.S.L.S.” from which a 1-1/4” iron pipe with 3” diameter aluminum cap (found) stamped
“Cor. 27, J-2” bears S 89°56’41”E- 0.24. This 1-1/4” iron pipe with 3” diameter aluminum
cap is witnessed by:

Found 12” Hickory S 21°30’E- 2.0
Found Pine stump N 58°30’E- 6.5
Found 10” Pine N 05°15’W- 7.5
Found Pine snag S 63°45’W- 2.2

PRIOR RETRACEMENTS AND CONSTRUCTION OF SURVEY

The subject tract was surveyed as 62 acres by J. G. Ross, County Surveyor of San Jacinto County. A brief review and some observations of his work is as follows:

Field notes of S.F. 11821 by J. G. Ross, dated July 27, 1917, were made for applicant J. M. Hansbro. They proceed counter-clockwise and call to contain 62 acres. The east line is called N 01°E- 1105 varas and the east corners called to be common with the west line of the JAMES BOOTH.

Field Notes of S.F. 13428 by J. G. Ross, dated July 10, 1933, were made for applicant A. F. Boone. These notes describe the same 62 acres as S.F. 11821. They proceed in a clockwise manner and have some minor differences in witness tress and the course along the north line from his notes of S.F. 11821. The file jacket contain notations of “On S.F. 11821, J. M. Hansbro, - surveyed land 10-19-36 C. F. Blucher” and “Rejected 10-19-36 J. H. Walker, Comm.”. These notes were rejected by Commissioner J. H. Walker apparently because correspondence was still being made to Mrs. J. M. Hansbro concerning her deceased husband’s application. These notes were used on the G.L.O. working sketch dated September 20, 1934.

Field Notes and report of S.F. 13645 by J. G. Ross, dated October 1, 1935, were made for applicant J. R. Palmer. Ross’ report includes “FIELD NOTES to 230.8 acres of land, the same being all of the land of the HEIRS OF JAMES BOOTH which is free from conflict with the George Taylor Survey”. The west line of the BOOTH in these notes is called S 1/2°W- 780 varas. This is shorter by 325 varas than his S.F. 13428 notes dated two years earlier. Ross’ report makes several references to “Government survey”. One notable reference is Ross’ comment concerning the southeast corner of GEORGE TAYLOR- “the Government survey corner is 20 vrs. E from my corner”.

During 1935 and 1936 U. S. government surveyors H. J. Daugherty and J. D. Fulton completed extensive surveys near the subject S.F. 11821. These retracements were incorporated in Deeds to the United States of America for the Sam Houston National Forest. These surveys encompassed many original surveys in this area. These surveys revealed that the junior surveys of the B. B. B. & C. RR. CO., the JAMES BOOTH and the subject S.F. 11821 all overlapped the senior GEORGE TAYLOR SURVEY. A Deed sketch depicting purchases around the subject tract labeled (Exhibit A” and prepared by me) is included herewith. A portion of the survey plat obtained from the U.S.D.A. showing these overlaps (labeled "Exhibit B") is included herewith.

I obtained copies of the original USDA field books to ascertain what, if any, evidence these surveyors found to establish the south line of the TAYLOR. Mr. John E. Ippolito and Mr. David Journey of the U.S. Forest Service, Lufkin Texas, were very helpful in obtaining these records. These notes show that surveyor H. J. Daugherty in 1935 found stump holes of both original witness trees called for at the southeast corner of the TAYLOR and an old marked line (said to be 75 years old in his notes) running westerly. A copy of a survey plat obtained from the

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U.S.D.A. showing original corners recovered in this area labeled ("Exhibit C") is included herewith.

Apparently Daugherty's location of the south line of the TAYLOR was questioned by Ella McMurrey, owner of the B. B. B. & C. RR. CO. Surveyor J. D. Fulton, working for the U. S. government, again ran the south line of the TAYLOR in November 1936. Fulton's notes, recorded in field book "H-77", page 54, show he found the stake set by Daugherty for the southeast corner of the TAYLOR and a "Large stump hole" bearing N 66°W- 6.7, which match the original call of the TAYLOR. From this stake 16.2 varas east and 2.9 varas north he finds "stake set by Ross for SE Cor. of Taylor and SW Cor. Miller L. Co.". This stake is witnessed by Pine stumps found bearing S 67½°E- 10 and N 36½W- 5.9 which match the calls in the R. C. MILLER LUMBER CO. SURVEY.

It should be noted that both J. G. Ross, County Surveyor and U.S. surveyors Daugherty and Fulton agreed on the north-south position of the south line of the GEORGE TAYLOR. They do however seem to disagree as to the east-west position of the southeast corner by some 20 varas. A letter from J. G. Ross to John D. Fulton dated June 17, 1935 found in correspondence files of the U.S. Department of Agriculture-Forest Service, Lufkin, Texas states: "In going over the land lines in this county as surveyed by Mr. Daugherty, I find that he has the George Taylor lines correctly located".

Correspondence found in the files of the U.S. Department of Agriculture-Forest Service, Lufkin, Texas indicate Ella McMurrey, owner of the B. B. B. & C. RR. CO. from the mid-1930's to around 1960 maintained a claim to the overlap area. Mrs. Ella McMurrey hired S. L. "Duck" McAdams to survey her lands. Surveyor McAdams' retracement, done around 1960, agreed with the U. S. government's location of the south line of the TAYLOR. After relaying this information to his client, Mr. McAdams was reportedly not paid for his work.

CONCLUSION

The overlapping of S.F. 11821, and adjacent junior surveys, across the south line of the TAYLOR has been recognized by surveyors and even brought into question by the Commissioner of the General Land Office.

Several letters of correspondence are found in the file of S.F. 11821. One of these (Exhibit "D") dated June 14, 1935 from Commissioner J. H. Walker to Mrs. J. M. Hansbro states "It would seem that there may be some vacant land for this file, altho the field notes submitted are not at this time considered satisfactory or correct, because of lack of sufficient information to show actual position on the ground of the adjacent surveys, particularly the George Taylor, as it is believed that possibly the South line of this Taylor survey should be some distance to the South of where the field notes of this vacancy indicate it to be". In a following letter (Exhibit "E") to Mrs. Hansbro dated October 19, 1936, Commissioner Walker states "You understand, of course, that if you purchase the land, before patent could issue, you would have to furnish us with corrected field notes called for in our letter of 6-14-35".

The tract data sheet which list Minimum Bid, etc. for the J. M. Hansbro Survey No. 56 under the heading of: Survey Information. Has "Adequate field notes are available for the issuance of a patent".

It is a well-settled principle of law that junior survey locations must yield to senior locations. In the case of State v. Dayton Lumber Company, reported in 159 S.W. 391, states "... a junior survey when in conflict with a senior survey will not prevail as to that portion of the junior survey overlapping the senior survey".

The north portion of S.F. 11821 (20.60 acres by this survey) found to be in conflict with the senior GEORGE TAYLOR SURVEY was included in the sale to the United States of America. Foster Lumber Company was the owner of the GEORGE TAYLOR SURVEY and therefore exercised their senior rights in this sale.

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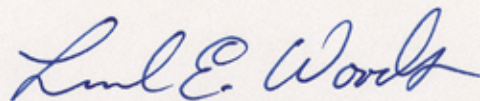
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In any retracement of original surveys made over a 100 years ago, when the original stakes and witness trees have disappeared, the surveyor should consider evidence of occupation and community reputation. In one of our earlier Texas cases styled John Welder v. Wilkins Hunt, reported in 34 Tex. 44, it is stated "It is a well established rule of law that boundary lines may be proved by the common understanding and report of the community". The more recent case styled Blaffer et al. v. State, reported in 31 SW2d 172, states "Where ancient boundary lines have been recognized for long periods of years, location should not be destroyed, except on most cogent and compelling evidence".

The north corners and the southeast corner of S.F. 11821 used in my construction have been recognized and maintained by the U.S. Forest Service since their purchase in 1936. After examining all the evidence, I find no reason to dispute the retracement surveys made by U. S. Government surveyors and the work done by J. G. Ross in conjunction with S.F. 13645. These surveyors were on the ground some 70 years ago and recovered evidence that was sparse then. These forest lands have since been cut-over several times, requiring any retracement made today to rely heavily on their findings. I accepted corners set by previous surveyors for the south corners of S.F. 11821. Both north corners and the southwest corner of S. F. 11821 can be tied back to original locations.

The sale of S. F. 11821, called to contain 62 acres, was made according to field notes deemed by Commissioner J. H. Walker in 1935 as "not at this time considered satisfactory or correct". Corrected Field Notes and a Plat of S.F.11821, containing 43.94 acres, are submitted in conjunction with this report for your consideration.

Respectively Submitted,



Leonard E. Woods
Licensed State Land Surveyor

LEW/ms

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San Jacinto Sk. File 24



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