

D-993

FROM THE OFFICE OF J. STUART BOYLES, C. E.
PROFESSIONAL ENGINEER
LICENSED STATE LAND SURVEYOR
HOUSTON, TEXAS

January 15, 1953

RECEIVED
FEB 4 1953
REFERRED TO SCHOOL

To: Commissioner,
The General Land Office,
Austin, Texas

SURVEYOR'S STATEMENT IN CONNECTION WITH A RESURVEY OF THE W. S. BULLOCK SURVEY, ABSTRACT NO. 1145 AND THE W. P. CALLEN SURVEY, ABSTRACT NO. 1146, SAID SURVEYS BEING IN THE SOUTHEAST QUARTER B.B.B. & C. R.R. SECTION 4, BLOCK 3, TYLER COUNTY, TEXAS.

Between the year 1936 and the present date, I have made extensive surveys on the ground in Tyler County, Texas. Included in these surveys are the location of B.B.B. & C. R.R. Surveys, Sections 1, 2, 3, 4, 5, 7, 8, and 9. The location of B.B.B. & C. R.R. Survey, Section 4, Block 3, has been made from the information obtained from the above work and by honoring call, occupation, and recognition. I find the location of said Section 4, Block 3, B.B.B. & C. R.R. Survey to fit the occupied and recognized positions of adjacent surveys very closely.

B.B.B. & C. R.R. Section 4, Block 3 was originally surveyed as school land; however, the first patent was issued on the southwest quarter section, surveyed by M. L. Mc Allister, March 7, 1894, and patented to R. H. Snowden, September 14, 1900. I have identified the original northeast corner of this survey and have located this survey from the above mentioned original corner, and by honoring occupation and recognition.

The north half of Section 4, Block 3, B.B.B. & C. R.R. Survey was surveyed by C. B. Shivers, April 12, 1917, and patented to J. B. Flieller, June 21, 1918. I have located this survey from a passing call for the original northeast corner of the southwest quarter of B.B.B. & C. R.R. Section 4, Block 3, and honoring occupation and recognition.

The southeast quarter of B.B.B. & C. R.R. Section 4, Block 3, was sub-divided by J. C. McBride, T. M. Hyde, E. Hopson, and S. T. Coats between the years, 1926 and 1938. These surveys built from the west by McBride and Hyde, and from the east by Hopson and Coats. I have identified 10 original corners on the ground in the southeast quarter of B.B.B. & C. R.R. Section 4, Block 3, and have located the subdivision of the said quarter section from these corners, and by honoring call, occupation, and recognition.

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Your particular attention is called to the fact that I find the southeast quarter to be excessive east and west by approximately 50 varas and north and south by approximately 80 varas, and containing a calculated acreage of 167.42 acres.

I have located the W. S. Bullock 17 acre and the W. P. Callen 24 acre surveys as companions, same having been located by McBride January 19, 1926 and patented on his field notes. This location was made from the original southwest corner of the Bullock 17 Acre survey found and identified on the ground. This corner is also an original interior corner of the W. S. Bullock 38.24 Acre Survey to the west. From this corner I have placed a line coincident with the east lines of the W. S. Bullock 38.24 and W. P. Callen 28.73 Acre Surveys for the west lines of the W. S. Bullock 17 and W. P. Callen 24 Acre Surveys. This line terminates at the north line of the southeast quarter of Section 4 at the original northeast corner of the W. P. Callen 28.73 Acre Survey. It is of particular note that this also appears to be the original northwest corner of the W. P. Callen 24 Acre Survey. This is substantiated by the fact the W. P. Callen 24 Acre Survey calls for a pine tree with a bearing South, the distance call having been omitted. A similar call for a pine bearing South, distance 6 varas, is made in the W. P. Callen 28.73 Acre Survey field notes. The east line of the Callen 24 Acre and the Bullock 17 Acre Surveys has been placed call distance east of the relocated west line and in this position will follow closely occupation and recognition in the form of old marked trees and fences. The south line of the W. S. Bullock 17 Acre Survey follows along an old tram as called for. The division line between the Callen 24 Acre Survey and the Bullock 17 Acre Survey has been placed equidistant between the south line and the north line of the southeast quarter of B.B.B. & C. R.R. Section 4, Block 3. Located in this manner the Bullock 17 Acre Survey will contain 15.46 acres of land and the W. P. Callen 24 Acre Survey will contain 25.23 acres of land. Your most particular attention is called to the fact that the beginning calls in both of the surveys under discussion emanate from the southeast corner of the southeast quarter, same being the southeast corner of B.B.B. & C. R.R. Section 4, Block 3, giving calls north and west, and said original calls were based on the fact that the section was true in call, length, and breadth, as well as the southeast quarter being likewise true to call. Therefore, it appears that a change should be made and substituted into the field notes for the patents on these surveys to properly correct the calls for the beginning points from the southeast corner. Thus, the beginning call for the W. S. Bullock 17 Acre Tract should read, "BEGINNING at the southeast corner of the southeast quarter of B.B.B. & C. R.R. Section 4, Block 3; THENCE West 660.85 varas; THENCE North 254.34

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varas to a pine stake for corner from whence pine stump bears S 62° 45' E, 8.75 varas, said point being the original re-entrant corner of the W. S. Bullock 38.24 Acre Survey, and the southwest corner and beginning point of the W. S. Bullock 17 Acre Survey"; likewise, the beginning call for the W. P. Callen 24 Acre Survey should read as follows: "BEGINNING at the southeast corner of the southeast quarter of B.B.B. & C. R.R. Section 4, Block 3; THENCE North 977.76 varas; THENCE West 671.07 varas to a pine stake for corner from whence a pine stump bears South 6 varas, and said point being the original northeast corner of the W. P. Callen 28.73 Acre Survey for the northwest corner and beginning point for the W. P. Callen 24.0 Acre Survey".

I have located the W. P. Callen 28.73 Acre Survey from its four original corners, as located by T. M. Hyde in 1929. The W. S. Bullock 38.24 Acre Survey by T. M. Hyde in 1929 has been located from the original northwest, northeast, and an original re-entrant corner, and by honoring call, occupation, and recognition. These two surveys are identical with the 61 Acre Tract conveyed to P. A. Kelly on May 5, 1919 and recorded in Volume 43, Page 608, Tyler County, Texas Deed Records. McBride referred to the interior corner of the P. A. Kelly 61 Acre Survey in his field notes for the previously discussed W. S. Bullock 17 Acre and the W. P. Callen 24 Acre Surveys. He also called for his surveys to go with the P. A. Kelly east line.

E. H. Hopson surveyed the W. S. Bullock 10 acres out of the southeast quarter on September 10, 1929, the W. S. Bullock 11.8 Acre Survey and the east W. P. Callen 3.2 Acre Survey on July 18, 1927, the W. S. Bullock 3.4 Acre Survey and the westerly W. P. Callen 3.2 Acre Survey March 28, 1934. I have identified the northeast corner of the W. S. Bullock 10 Acre Survey and the common northeast and northwest corner of the two W. P. Callen 3.2 Acre Surveys. I have considered the five surveys by Hopson as a system, and have located his surveys from the original corners mentioned above.

The W. P. Callen 20 Acre Survey was located by S. T. Coats in March, 1938 and patented on his work April 22, 1938. I have identified all four corners of this survey on the ground, and have located the survey to conform to same. This survey substantiates the Hopson location of the five previously discussed patents.

When the surveys previously discussed in this report are placed within the bounds of the southeast quarter of B.B.B. & C. R.R. Section 4, Block 3, I find the W. S. Bullock Survey, Abstract No. 1145, and the W. P. Callen Survey, Abstract No. 1146, which are contiguous and are located from their field notes, contains 8.20 acres

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excessive of call. The W. S. Bullock Survey, Abstract No. 1146, contains 6.82 acres, being 3.42 acres excessive and the W. P. Callen Survey, Abstract No. 1146 contains 7.98 acres, being 4.78 acres excessive. I have shown these two surveys outlined in red on the attached Map No. 5120R-A and identified by Insert "A". These two surveys, as located by me, have been occupied in good faith in excess of 10 years by C. F. Barclay and he believed that same had been covered by the patents on the W. S. Bullock 3.4 Acre and the W. P. Callen 3.2 Acre Surveys. Your particular attention is called to the fact that C. F. Barclay's acquisition to this land was made in the following manner:

The east 40 acres of the southeast quarter was sold to O. H. Gay, Vol. 14, Pg. 451, Deed Records of Tyler County, Texas on 4-5-1905. Following this transaction C. F. Barclay obtained the east 40 acres of the remaining 120 acres out of the southeast quarter of Section 4, Vol. 37, Pg. 202, Deed Records of Tyler County, Texas 3-28-1911. This transaction was described by field notes in the deed. Barclay then sold the west 20 acres to E. J. Sheffield, Vol. 36, Pg. 258, Deed Records of Tyler County, Texas 8-29-1912; same were described by field notes in the deed. Following this transaction Barclay sold off a 5 acre strip along the east side of the original 40 Acre Tract to C. C. Ray, Vol. 35, Pg. 524, Deed Records of Tyler County, Texas 4-18-1914. Therefore, Barclay was left with a residue tract between the east line of the west 20 acres sold to E. J. Sheffield and the west line of the east 5 acre tract sold to C. C. Ray. It is of importance that in making the surveys for the sales out of Barclay, the east 5 acres sold off to C. C. Ray was apparently located from the east line of the southeast quarter. The 20 acre tract sold to E. J. Sheffield apparently was located from the east lines of the W. P. Callen 28.73 Acre and the W. S. Bullock 38.24 Acre Surveys, therefore the excess that existed between the east line of the southeast quarter and the east line of the W. P. Callen 28.73 Acre and W. S. Bullock 38.24 Acre Surveys became the residue tract acquired by C. F. Barclay. The fact that this excess was unknown to Barclay as well as other owners within this southeast quarter is apparent from the fact that patents have been issued to cover 159.57 acres, whereas the present ground location of the southeast quarter will calculate to contain 167.42 acres of land, leaving an excess of 7.85 acres.

Attached hereto are corrected field notes for the W. S. Bullock Survey, Abstract No. 1145 and the W. P. Callen Survey, Abstract No. 1146, and Map No. 5120R-A.

Yours very truly,

J. S. Boyles
J. S. Boyles

CRM:JSB:eb

counter 38692

JOS. B. FLIELLER
A-903

3" Conc. Mon. with Bronze Cap mkd. CB-617
11" Pine mkd. I brs. N99°25'E 9.3 vs.
10" Pine mkd. I brs. N64°26'E 9.3 vs.
7" Pine mkd. I brs. S52°24'E 17.4 vs.
4" Win Pine mkd. I brs. S55°42'W
25.0 vs.
3" Conc. Mon. with Bronze Cap mkd. CB-641
Pine Stump (Old) brs. S-25E-6.8 vs.
13" Pine --- mkd. I brs. N-70°30'E 6.8 vs.
7" Pine mkd. I brs. S 21-45'E 8.9 vs.
14" Pine mkd. I brs. S 67°00'W 19.2 vs.

W. P. CALLEN
28.73 AC.
A - 1147
Calc. 28.15 Ac.

W. P. CALLEN
24.0 AC.
A - 1130
Calc. 25.23 Ac.

W. P. CALLEN
A-1146
Calc. 7.98 Ac.

W. P. CALLEN
3.2 AC
A-1137
Calc. 3.38 Ac.

W. P. CALLEN
20.0 AC.
A - 981
Calc. 20.78 Ac.

W. S. BULLOCK
(W. P. CALLEN, ASSIGNEE)
17.0 AC.
A - 1129
Calc. 15.46 Ac.

W. S. BULLOCK
(W. P. CALLEN, ASSIGNEE)
A-1145
Calc. 6.82 Ac.

W. S. BULLOCK
(W. P. CALLEN, ASSIGNEE)
11.8 AC.
A-1138
Calc. 11.91 Ac.

W. S. BULLOCK
(W. P. CALLEN, ASSIGNEE)
10.0 AC.
A-1141
Calc. 10.09 Ac.

W. S. BULLOCK
(W. P. CALLEN, ASSIGNEE)
38.24 AC.
A - 890
Calc. 37.62 Ac.

VARIATION 7°55' EAST
K.&E. NO. 119071

INSERT "A"

SCALE: 1" = 50 VARAS

-LEGEND-

Original Corners identified by witness trees

MAP SHOWING RESURVEY OF
A PORTION OF B.B.B.&C. R.R. CO.
SECTION NO. 4 BLOCK NO. 3

IN THE SOUTHWEST PART OF
TYLER COUNTY TEXAS
FIELD BOOK K-10 PAGE 346
OFFICE OF J.S. BOYLES, G.E. HOUSTON, TEXAS
SCALE: AS SHOWN MAP NO. 5120R-A

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This 15 Day of JAN. 1953

J.S. Boyles
Licensed State Land Surveyor

Sketch File No. 25
County Tyler