

File No. 28

Tyler County

Sketch File

Filed Jan 9 1961

JERRY SADLER, Com'r

By V. E. H. H. H.

(Liberty 5-837)

1- Report of resurvey of
Sec. 7, T. & N.O. Ry. Co.,
Cert. 439

By Richard P. Hicks
Dec. 30, 1960

2- certified Copy of Judgment

3- Copy of Mandate - Civil Appeals

4- Copy of Supreme Court
order
(See Rolled Sk. 7)

JERRY SADLER
COMMISSIONER
GENERAL LAND OFFICE
AUSTIN 14, TEXAS



counter 38699

The State of Texas,

General Land Office

To the District Court of Tyler County, GREETINGS:

Before our Court of Civil Appeals on the 7 day of May A. D. 1959

the cause upon appeal to revise and reverse your judgment between

The State of Texas

No. 6280 and

Smith Walden, et. al.

was determined; and therein our said Court of Civil Appeals made its order in these words:

This cause came on to be heard on the transcript of the record, and, the same being inspected, because it is the opinion of the court that there was no error in the judgment, it is therefore considered, adjudged and ordered that the judgment of the court below be in all things affirmed: that the appellant, The State of Texas, pay all costs in this behalf expended; and this decision be certified below for observance.

WHEREFORE WE COMMAND YOU to observe the order of our said Court of Civil Appeals in this behalf, and in all things to have it duly recognized, obeyed and executed.

John R. Anderson

WITNESS, the Hon. HOS. B. GORE, Chief Justice of our said Court of Civil Appeals of the Ninth Supreme Judicial District of Texas, with the Seal

thereof annexed, at the City of Beaumont, this the 11

day of April A. D. 1960

ELIZABETH LEBLANG Clerk

By Elizabeth L. Blang

Tyler Co. St. F. 1/4 #28

Volume 38701

B. *Elizabeth LeBlanc*

ELIZABETH LEBLANC
Clerk

day of April A. D. 1960

thereof annexed, at the City of Beaumont, this the 11

Witness, the Hon. ~~XXXXXXXXXX~~ Chief Justice of our said Court of Civil
Appeals of the Ninth Supreme Judicial District of Texas, with the Seal

John R. Anderson

in all things to have it duly executed and observed.

Trial Court No. 6893
No. 6289

MANDATE
Court of Civil Appeals
NINTH SUPREME JUDICIAL DISTRICT
BEAUMONT

The State of Texas

vs.

Smith Walden, et. al.

Issued April 11 1960

ELIZABETH LEBLANC, Clerk

To Tyler COUNTY

K258-1148-5m

ordered that the judgment of the court below be in all things affirmed:
was no error in the judgment, it is therefore considered, adjudged and
same being inspected, because it is the opinion of the court that there
This cause came on to be heard on the transcript of the record, and, the
was determined; and therein our said Court of Civil Appeals made its order in these words:

Smith Walden, et. al.

No. 6280
and

The State of Texas

the cause upon appeal to revise and reverse your judgment between

Before our Court of Civil Appeals on the 7 day of May A. D. 1959

To the District Court of Tyler County, GREETINGS:

The State of Texas,

General Land Office

counter 38701

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RECEIVED
JAN 9 1961

IN THE COURT OF CIVIL APPEALS
FOR THE
NINTH SUPREME JUDICIAL DISTRICT OF TEXAS
At Beaumont, Texas

STATE OF TEXAS }
COUNTY OF JEFFERSON }

I, Elizabeth LeBlanc, Clerk of the Court of Civil Appeals,
for the Ninth Supreme Judicial District of Texas, at Beaumont, Texas,
do hereby certify that the foregoing One pages,

is a true and correct copy of Mandate

in cause No. 6289

The State of Texas

vs. Smith Walden, et. al.

which was filed in said Court of Civil Appeals on the 11 day of
April, A. D. 1960.

Witness my hand and seal of said Court of Civil Appeals, at
Beaumont, Texas, this 11 day of April, A. D. 1960.

ELIZABETH LEBLANC, Clerk
By Elizabeth LeBlanc

IN THE SUPREME COURT OF TEXAS

JAN 9 1961

General Land Office

No. A-7425

January 6, 1960

The State of Texas

vs.

From Tyler County,
Ninth District.

Smith Walden, et. al.

Application of petitioner for writ of error to the Court of Civil Appeals for the Ninth Supreme Judicial District having been duly considered by the Court, and the Court having determined that same presents no error requiring reversal of the judgment of the Court of Civil Appeals, it is ordered that the application be, and hereby is, refused. It is further ordered that the applicant,
The State of Texas,

Pay all costs incurred on this application.

No. A-7425

March 30, 1960

The State of Texas

vs.

From Tyler County,
Ninth District.

Smith Walden, et. al.

Petitioner motion for rehearing of application for writ of error having been duly considered by the Court, it is ordered that said motion be, and hereby is overruled.

I, Geo. H. Templin, Clerk of the Supreme Court of Texas, do hereby certify that the above and foregoing is a true and correct copy of all orders entered by the Supreme Court of Texas on application for writ of error in the case numbered and styled as above, as the same appear of record in the minutes of said Court.

Witness my hand and the seal of the Supreme Court of Texas, at the City of Austin, this, the 4th day of April, 1960.

GEO. H. TEMPLIN, Clerk

By Jewell Seeliger, Deputy

SEAL

Mrs. Jewell Seeliger

counter 38707

Tyler Co. St. File #28

Mrs. Jewell Seeliger

By Jewell Seeliger, Deputy

Geo. H. Templeton, Clerk

the City of Austin, this, the 4th day of April, 1900, at
Witness my hand and the seal of the Supreme Court of Texas, at
appearance of record in the minutes of said Court.
all orders entered by the Supreme Court of Texas on application for
by certifying that the above and foregoing is a true and correct copy of
I, Geo. H. Templeton, Clerk of the Supreme Court of Texas, do here-

motion be, and hereby is overruled.

having been duly considered by the Court, it is ordered that said

Petitioner motion for rehearing of application for writ of error

Smith Walden, et. al. Ninth District

vs. Tyler County

The State of Texas

No. A-7425 March 30, 1900

NO. A-7425

The State of Texas

vs.

Smith Walden, et. al.

CERTIFIED COPY OF JUDGMENT OF
THE SUPREME COURT OF TEXAS ON
APPLICATION FOR WRIT OF ERROR.

(REFUSED - N. R. E.)

counter 38705

has all costs incurred on this application.

The State of Texas,

refused. It is further ordered that the applicant,
Civil Appeals, It is ordered that the application be, and hereby is,
presents no error requiring reversal of the judgment of the Court of
considered by the Court, and the Court having determined that same
Appeals for the Ninth Supreme Judicial District having been duly
Application of petitioner for writ of error to the Court of CIVIL

Smith Walden, et. al.

Ninth District

vs. Tyler County

The State of Texas

No. A-7425

January 6, 1900

General Land Office

IN THE SUPREME COURT OF TEXAS

JAN 9 1901

2-992

RECEIVED

IN THE COURT OF CIVIL APPEALS
 FOR THE
 NINTH SUPREME JUDICIAL DISTRICT OF TEXAS
 At Beaumont, Texas

STATE OF TEXAS }
 COUNTY OF JEFFERSON }

I, Elizabeth LeBlanc, Clerk of the Court of Civil Appeals,
 for the Ninth Supreme Judicial District of Texas, at Beaumont, Texas,
 do hereby certify that the foregoing ONE pages,
 is a true and correct copy of CERTIFIED COPY OF JUDGMENT OF THE
SUPREME COURT OF TEXAS ON APPLICATION FOR WRIT OF ERROR.

in cause No. 6289

The State of Texas

vs. Smith Walden, et. al.

as the same appears on file in said Court of Civil Appeals.
~~which was filed in said Court of Civil Appeals on the~~ xxxxxxx day of
~~xxxxxxx, A. D. 19~~ xxxxx

Witness my hand and seal of said Court of Civil Appeals, at
 Beaumont, Texas, this 11 day of April, A. D. 1960.

ELIZABETH LEBLANC, Clerk
 By Elizabeth LeBlanc

File No. 28 (4)
Tyler County
Sketch File
 Filed Jan 9 1960
 JERRY SADLER, Com'r
 By H. E. [Signature]

copy of order of
 Supreme Court
 re. Sec. 7, T. & N.O.
 Ry. Cert. 439

SUPREME JUDICIAL DISTRICT OF TEXAS
 AT Beaumont, Texas
 FOR THE
 THE COURT OF CIVIL APPEALS

COUNTY OF JEFFERSON
 STATE OF TEXAS

679.25 179
 H 78

The State of Texas
 vs
 Smith & Walden et al

c.c. of order
 4-11-60
FILED FOR RECOR
 8:15 A.M. ----- P.M.
 APR 12 1960
Jerry Sawyer
 County Clerk, Tyler County, Texas
 By Deputy

counter 38707

STATE OF TEXAS

County of Tyler

I HEREBY CERTIFY that the foregoing instrument,

with its certificate of authentication, was filed in my office on the 18
 day of April 1960, at 8:15 o'clock P. M., and was this day
 duly recorded at 8:50 o'clock P. M., in Vol. 177 Pages 478
 at seq. **DEED RECORDS** of said County.

WITNESS my hand and official seal, at office in Woodville, Texas, this 18
 day of April 1960. (1.5)

By [Signature] Deputy.
TOM SAWYER
 Clerk, County Court, Tyler County, Texas.

Beaumont, Texas, this 11 day of April, A. D. 1960
 Witness my hand and seal of said Court of Civil Appeals, at
 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
 Smith Walden et al
 The State of Texas

RECEIVED
JAN 9 1961
General Land Office

NO. 6893

STATE OF TEXAS : IN THE DISTRICT COURT
V. : OF
SMITH WALDEN, ET AL : TYLER COUNTY, TEXAS

J U D G M E N T

On this 1st day of October, A. D., 1958, at a regular term of this Court, came on to be heard the above entitled and numbered cause; the STATE OF TEXAS appeared by the Honorable WILL WILSON, Attorney General of the STATE OF TEXAS, through Assistant Attorney General of the State of Texas, Milton Richardson, and Assistant Attorney General of the State of Texas, Tom Burrus; the defendant, SMYTH WALDEN, appeared by his attorney, James F. Parker, Jr. and James F. Parker, and all others hereinafter named appeared, and all parties announced ready for trial.

Thereupon, it appearing that defendant, HUMBLE OIL AND REFINING COMPANY, had disclaimed any interest in the land described in plaintiff's second amended original petition on file herein, and the land described in defendant, Smyth Walden's, third amended original answer and cross-action on file herein; and it further appearing that neither the plaintiff, the State of Texas, nor the defendant, Smyth Walden, opposed the motion by Humble Oil and Refining Company that it be dismissed from this cause,

IT IS ORDERED, ADJUDGED and DECREED that defendant, HUMBLE OIL AND REFINING COMPANY, be and it is hereby dismissed from this cause and that no costs be adjudged against it, as set forth in the order of dismissal with reference thereto entered on October 1, 1958.

It further appearing to the Court that defendant, TEXAS AND NEW ORLEANS RAILROAD COMPANY, had disclaimed any right, title and claim in and to all of the land sued for, as described in plaintiff's

counter 38708

petition by disclaimer filed September 8, 1958, in the above entitled and numbered cause, and on the same day filed its answer to the plaintiff, the State of Texas', request for admissions of fact, and therein admitted that all of the property in controversy here was quitclaimed by Texas and New Orleans Railroad Company to W. A. Barnes by deed dated January 25, 1916, and recorded in Volume 38, Page 481 of the Deed Records of Tyler County, Texas,

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that defendant, TEXAS AND NEW ORLEANS RAILROAD COMPANY, be and it is hereby dismissed from this cause and that no costs be adjudged against it.

It further appearing that the defendant, MRS. CLARA HAMMONS, a feme sole, has filed an answer herein in which she is represented by the Honorable A. M. HUFFMAN.

Thereupon, no party to this cause of action having demanded a jury, and a jury having been waived, all matters of fact as well as of law were submitted to the Court. After hearing and considering the pleadings, the evidence, argument of counsel and the law applicable thereto, the Court is of the opinion judgment should be rendered that the State of Texas is not entitled to forfeit to the State of Texas the lands and property involved in this suit as described in its pleading and further is not entitled to declare of no legal force or effect the instruments set forth in its pleadings as constituting a cloud upon its title. The Court is of the further opinion that judgment should be rendered in favor of the defendant, SMYTH WALDEN, who is one and the same person as SMITH WALDEN, solely and to the exclusion of all other defendants, that as assignee of Texas and New Orleans Railroad Company he is entitled to have patent issued by the State of Texas granting to him the land described in his third amended original answer and cross-action and hereinafter particularly described, together with judgment for the title to

and possession of such lands as against the State of Texas together with his writ of possession or such other writs as may be necessary herein for the proper enforcement of this judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the plaintiff, the State of Texas, be and it is hereby denied any forfeiture to the State of Texas of the following described land situated in Tyler County, Texas, as described in plaintiff's second amended original petition, to-wit:

Texas and New Orleans Railroad Company Section No. 7, Block 1, Tyler County, Texas, located and surveyed by virtue of Land Certificate No. 439 issued on June 23, 1860, by W. S. Hotchkiss, Commissioner of Claims of the State of Texas, in accordance with the provisions of "an Act to encourage the construction of Railroads in Texas by donations of land," Acts, 5th Leg., 1854, ch. 15, p. 11 and "an Act to amend the third section thereof," Acts 8th Leg., 1860, ch. 55, p. 70 and under a copy in lieu of the original certificate in accordance with "an Act to better protect the Papers, Records and Files in the General Land Office," Acts, 13th Leg., R. S. 1873, ch. 103 p. 180, and being more particularly described as follows:

"BEGINNING at the Southeast corner of B. B. B. & C. RR Co. Survey No. 18, from which a pine bears South 70 degrees East 9 varas and a pine bears West 7 varas;

THENCE East along the South line of T. & N. O. RR Co. Survey No. 8, Certificate No. 439, 1351 varas to the Southeast corner of said Survey No. 8 and the West boundary line of the W. M. Trueharts Survey and being the Northeast corner of this survey, from which a pine bears South 80 degrees East 11 varas and a pine 8 inches in diameter bears North 60 degrees East 11 varas;

THENCE South 700.4 varas to a stake for the Southeast corner of this survey in the North boundary line of T. & N. O. RR Co. Survey No. 5;

THENCE West along the North boundary line of T. & N. O. RR Co. Survey No. 5, 1548 varas to a stake, the Northwest corner of Survey No. 5 and the Southwest corner of this survey, from which a pine bears North 60 degrees West 3 varas and a pine bears North 70 degrees East 4 varas;

THENCE North 700.4 varas to the South boundary line of B. B. B. & C. RR Co. Survey No. 18 for the Northwest corner of this survey;

THENCE East 196 varas along the South boundary line of B. B. B. & C. RR Co. Survey No. 18 to the place of beginning, containing 191.9 acres of land, more or less,

as against the defendants, Smyth Walden and Mrs. Clara Hammons, and further, that the STATE OF TEXAS be and it is hereby denied all other relief sought by it in its second amended original petition.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the defendant, Smyth Walden, solely and to the exclusion of all other defendants, do have and recover of and from the State of Texas the title to and possession of the lands hereinafter described situated in Tyler County, Texas, to-wit:

Being all of Texas and New Orleans Railroad Company Section No. 7, Block 1, Tyler County, Texas, located and surveyed by virtue of Land Scrip No. 439 issued on March 29, 1878 by J. J. Groos, Commissioner of the General Land Office of the State of Texas, described by metes and bounds as follows:

BEGINNING on the West line of Section No. 5 at the Northeast corner of Survey No. 6 BBB & C RR Co. Survey, a stake from which a pine bears North 82° East 1 vara and a pine bears South 58° West 8 varas;

THENCE West 1258 varas to Southeast corner No. 2 TC ry. Co. Survey, stake and a pine bears North 17° East 3 varas and a pine bears North 78° West 3 varas;

THENCE North 1806 varas with its east line to its Northeast corner a stake for corner;

THENCE East with the South line of No. 18 BBB & C RR Co. at 1437 varas to its Southeast corner;

THENCE South 177 varas, a stake from which a water oak bears North 6 varas distance and a pine 5" diameter, South 80° East 4 varas;

THENCE East at 1351 varas to a stake from which a pine bears South 80° East 11 varas and a pine 8" diameter, North 60° East 11 varas;

THENCE South at 693 varas to a stake in the North line of T & N O Section No. 5, Block 1;

THENCE West 1548 varas with the North boundary line of said Section No. 5 to its Northwest corner from which a pine bears North 60° West 3 varas and a pine bears North 75° East 4 varas;

THENCE South 938 varas to the beginning.

together with his writ of possession and such other writs as may be necessary to enforce this judgment and decree.

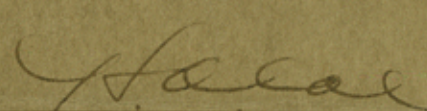
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Smyth Walden, as assignee of Texas and New Orleans Railroad Company, solely and to the exclusion of all other defendants, is entitled to have a patent issued by the State of Texas to that portion of the land described in the paragraph immediately preceding as is not in conflict with any senior survey or surveys, if any.

IT IS FURTHER ORDERED, ADJUDGED and DECREED upon the statement in open court of Smyth Walden that he would ask for no relief because of monies received by the State of Texas by reason of unlawful timber cutting, that the said Smyth Walden take nothing by his pleading to have such monies received by the State of Texas credited upon taxes due upon the above described land and premises.

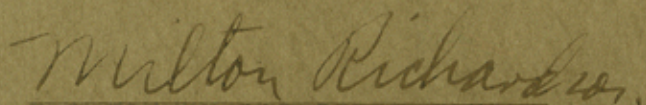
IT IS FURTHER ORDERED, ADJUDGED and DECREED that all costs in this behalf expended are adjudged and taxed against the plaintiff, the State of Texas.

To which action and judgment of the Court, the State of Texas in open court excepted and gave notice of appeal to the Honorable Court of Civil Appeals of the Ninth Supreme Judicial District of Texas at Beaumont, Texas.

SIGNED AND ENTERED on this 10th day of November, 1958.


Judge Presiding

Approved as to form:


Assistant Attorney General
of the State of Texas,
Attorney for Plaintiff

counter 38712

THE STATE OF TEXAS }

COUNTY OF TYLER }

I, Ruth Gillespie, Clerk of the District Court in and for said County and State, do hereby certify that the above and foregoing is a true and correct copy of the Judgment rendered by said Court in Cause No. 6893 entitled The State of Texas vs. Smith Walden, et al, as the same appears from the Civil Minutes of said Court, in Vol. 1, pp. 393, et seq., in my office.

Given under my hand and the seal of said Court, at my office in Woodville, Texas, on this the 13th day of April, A. D. 1960.

Ruth Gillespie
Clerk District Court
Tyler County, Texas

STATE OF TEXAS }
County of Tyler }

I HEREBY CERTIFY that the foregoing instrument,

with its certificate of authentication, was filed in my office on the 13th
day of April 1960, at 10:15 o'clock A.M., and was this day
duly recorded at 3:45 o'clock P.M., in Vol. 177 Pages 492
et seq. DEED RECORDS of said County.

WITNESS my hand and official seal, at office in Woodville, Texas, this 13th
day of April 1960.

TOM SAWYER

Clerk, County Court, Tyler County, Texas.

By Shelma McKee Deputy.
(B.D.)

File No. 28
Tyler County
Sketch File
Filed Jan 9 1961
JERRY SADLER, Com'r
By V. E. Haggard

②

Vol. 177 679 Page 492

No. 6893

~~\$ 6.00~~

4.00

IN THE DISTRICT COURT
OF TYLER COUNTY, TEXAS

STATE OF TEXAS

VS.

SMITH WALDEN, ET AL

CERTIFIED COPY

OF JUDGMENT

ISSUED 13th DAY OF April 1960

Ruth Gillespie CLERK

BY _____ DEPUTY

FILED FOR RECORD
10:25 A.M. _____ P.M.

APR 13 1960

John Savin
County Clerk, Tyler County, Texas
By Shelma M. ... Deputy

counter 38719

D 992

Jasper, Texas
December 30, 1960

Commissioner of General Land Office
Austin,
Texas.

Re: Survey of T. & N. O. R.R. Co. No. 7, Cert. 439,
Located approximately 13 1/2 miles S 8° E from
the county seat of Woodville, Tyler County, Texas.

Dear Sir:

Prior to making an actual survey of the subject tract on the ground, photostatic copies of all of the General Land Office field notes and sketches for this area were obtained, and a working sketch was prepared based on the field notes upon which the patents were issued.

From the various General Land Office field notes in this area, it will be noted that John McBride was instrumental in the formation of the surveys surrounding the subject tract with the exception of the most eastern line, which adjoins the H. G. Sutton M. A. 52586.

In July 1872, John McBride surveyed T&NO RR Co. No. 5 and No. 6 under Certificate No. 728, the former being patented on his notes as A-646, whereas the latter was patented on M. L. McAlister's field notes December 5, 1901, as the J. S. Rice Survey, A-946, which notes revealed that McAlister identified and used the same North corners of this No. 6 as was used by McBride. These two surveys bound the subject tract on its South.

In June 1874, only two years later, John McBride surveyed the BBB&C RR Block which included BBB&C RR No. 17 and No. 18, the former having been patented on his notes as A-137, whereas the South half of Survey 18 was patented on field notes by E. H. Hopson in November 1907 as the Porter Green Survey, A-961. However, Hopson identified and used the South corners of No. 18 as was used by McBride. This Porter Green, A-961, bounds the western portion of subject tract on its North.

Also during this same month of 1907, Hopson surveyed T&NO No. 8 under Certificate No. 439, at which time he used the McBride's Southeast corner of the BBB&C No. 18 for his Southwest corner of No. 8. Hopson then extended his South line of No. 8 east to the West line of the H. M. Trueheart, A-645. This line forms the remaining eastern portion of the North line of subject tract.

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JAN 9 1961

General Land Office

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Finally in September 1878, only four years later, John McBride surveyed T. C. RR Co. No. 2, which was patented on these notes as the J. S. and Wm. Rice Survey, A-861. This survey bounds the subject tract on its West and is the connecting link between the McBride BBB&C RR Block on the North and the McBride T&NO Block on the South.

As mentioned previously, the West line of the H. G. Sutton M. A. 52586 bounds the subject tract on its extreme east end.

In order to place the survey of subject tract into its proper perspective in relation to the foregoing general discussion, the following detailed analysis is presented for the remainder of this report.

It will be noted that the field note description for the subject tract began at the Northwest corner of T&NO RR Co. No. 5, A-646, which is a re-entrant corner of subject tract. Both of the original North corners of No. 5 as set by McBride in 1872, were found on the ground during this 1960 survey.

From the beginning corner, a marked line was followed southerly to the original Northeast corner of the J. S. Rice (T&NO No. 6), A-946, which is the lower Southeast corner of subject tract. As mentioned previously, McAlister found and used the exact McBride North line of the survey, having found most of McBride's original North corner bearings as well as obtaining the exact passing call on Black Creek.

From the original Northeast corner of the J. S. Rice (T&NO Sur. No. 6), a marked line was followed westerly, passing Black Creek only 8 varas difference from the original call, to the original Southeast corner of the J. S. and Wm. Rice, (T.C. RR Sur. No. 2), A-861, which was called to be in the North line of the T&NO RR Co. No. 6 as surveyed by McBride in 1872; therefore, it will also be in the North line of the T&NO No. 6 as surveyed by McAlister in 1901. This corner is the Southwest corner of subject tract.

From this original corner at the Southeast corner of the J. S. and Wm. Rice, a marked line was followed northerly, crossing Black Creek several times enroute, for a distance of 1610.85 varas to a marked corner for the Northwest corner of subject tract and located in the South line of the Porter Green (South half of BBB&C Sur. No. 18), A-961, as was

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JAN 9 1961

General Land Office

counter 38714

established by finding the two original South corners of said Porter Green, A-961.

It will be noticed that McBride's original call for the East line of the J. S. and Wm. Rice (T.C. RR No. 2) is some 190 varas excessive; however, it is believed that a mistake of approximately 200 varas was made by McBride upon surveying the West line of the J. S. and Wm. Rice in September 1878, and, that the East line of the J. S. and Wm. Rice was an "office" survey, thus bringing the 200 vara mistake into this East line also.

The failure of McBride to pick up any passing calls of Black Creek in spite of the fact he should have crossed it several times during a survey of the East line of the J. S. and Wm. Rice, leads us to believe that this line was never actually surveyed by McBride on the ground.

That a 200 vara mistake was made by McBride in the West line of the J. S. and Wm. Rice (T.C. RR Sur. No. 2) is further borne up by the fact that we found the original Southwest corner of this survey in 1960, and that the called distance of 1498 varas for this West line would have caused McBride to have overlapped by some 200 varas his surveys to the North that he had originally laid out and marked only four years previously, namely, BBB&C RR No. 17 and No. 18.

From this marked corner at the Northeast corner of the J. S. and Wm. Rice, a course slightly south of East was followed to the original common South corner of the Porter Green (South half of BBB&C Sur. 18), A-961, and Porter Green (T&NO Sur. No. 8), A-960. As Hopson, for the South line of the Porter Green, A-961, identified and used the South line of the BBB&C RR No. 18 set by McBride, as previously discussed, and since Hopson called for his Southeast corner of the Porter Green, A-961 to be the same as the Southwest corner of his Porter Green, A-960, this indirectly extends McBride's survey network into the Porter Green, A-960.

From this common South corner, an easterly course was followed to the original North corner of the H. G. Sutton M. A. 52586 in the West line of the H. M. Trueheart. This original corner is the Northeast corner of subject tract. While in this vicinity, the original Northwest corner of said Trueheart was identified and tied to the Northeast corner of the subject tract.

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JAN 9 1961

General Land Office

counter 38717

From the original North corner of said Sutton M. A. 52586, a marked line was followed Southerly to the original Southwest corner of same in the North line of the aforementioned T&NO No. 5, A-646. This corner is the upper Southeast corner of subject tract and from this corner, the original Northeast corner of said T&NO No. 5 by McBride was identified and tied as was the original Southeast corner of said Sutton tract. While in this vicinity, the original Southwest corner of the Trueheart was identified and tied in as shown on the accompanying survey plat.

From the Southwest corner of the Sutton tract, a marked line was followed westerly back to the beginning corner of this survey.

In conclusion you will observe that all of the corners of the subject tract have been identified as original corners of the adjoining, patented surveys, with the exception of the Northwest corner, which is a well marked corner. It is my further conclusion that the subject tract, as surveyed by me, is not in conflict with any valid senior survey.

Yours very truly,

Richard P. Hicks

R. P. Hicks
State Licensed Land Surveyor

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JAN 9 1961

General Land Office

counter 38718

File No. 28

Tyler County

Surveyor's Report

Filed Jan 9 1961

JERRY SADLER, Com'r

By W. E. Higgins

re: re-survey of
Sec. 7, T. 5 N. O. R. 4.
Cert. 439.
By Richard P. Hicks
Dec. 30, 1960
(see Rolled St. 7)

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Page - 1 -

From the original North corner of said Section No. 7, A-52536, a marked line was followed southerly to the original southwest corner of same in the North line of the aforementioned T&MO No. 2, A-52536. This corner in the upper southeast corner of subject tract and from this corner the original Northeast corner of said T&MO No. 2 by Hogridge was identified and tied as was the original southeast corner of said Section tract. While in this vicinity, the original southwest corner of the tract was identified and tied in as shown on the accompanying survey plat. The original southwest corner of the subject tract was identified as original corner of the beginning corner of this survey, with the exception of the Northwest corner. It is my further conclusion that all of the corners of the subject tract are original corners of the original survey, and that the subject tract, as surveyed by me, is not in conflict with any other survey.

Yours very truly,
Richard P. Hicks
R. P. Hicks
State Licensed Land Surveyor

counter 38719

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JAN 9 1961
General Land Office

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