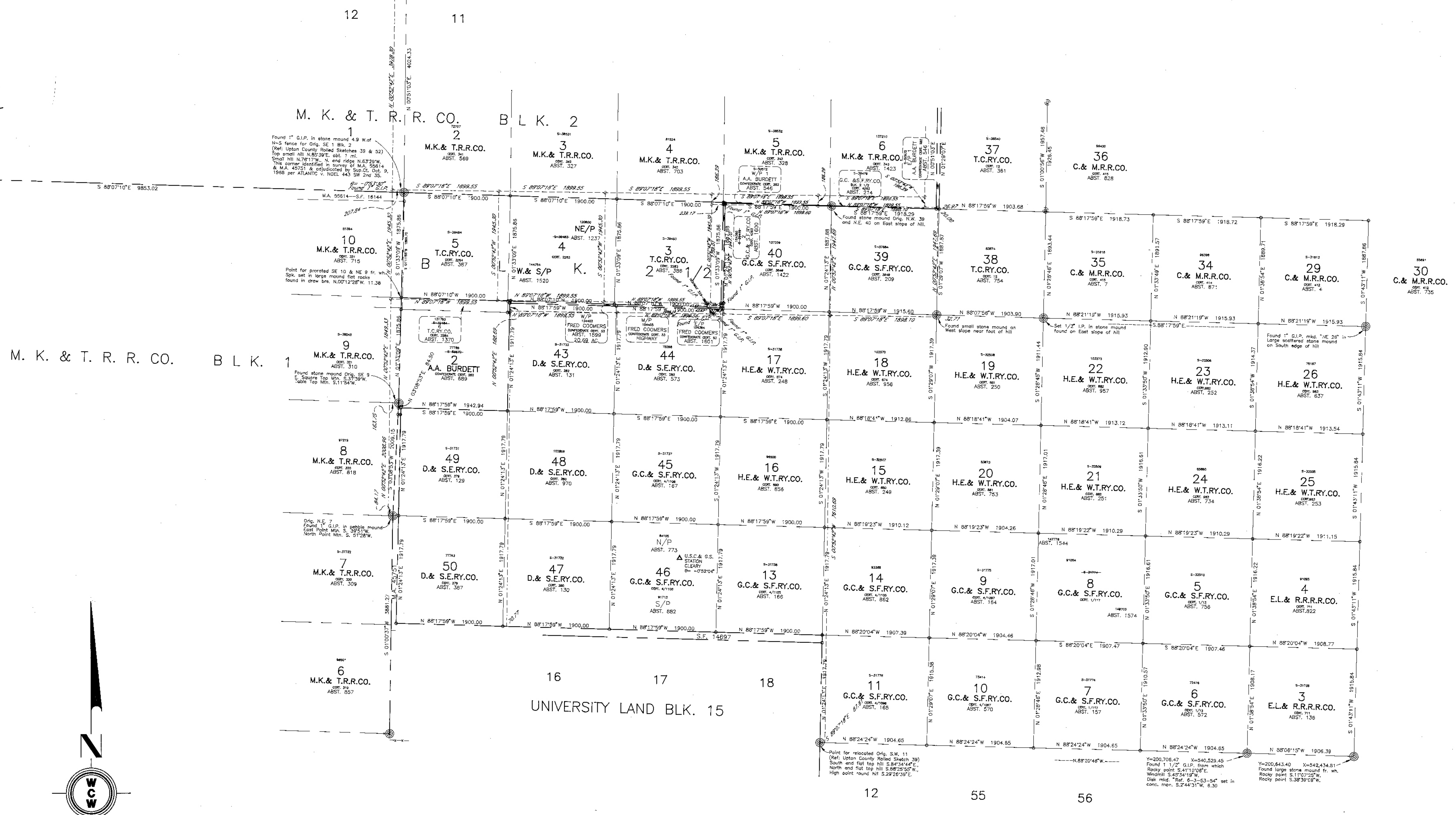
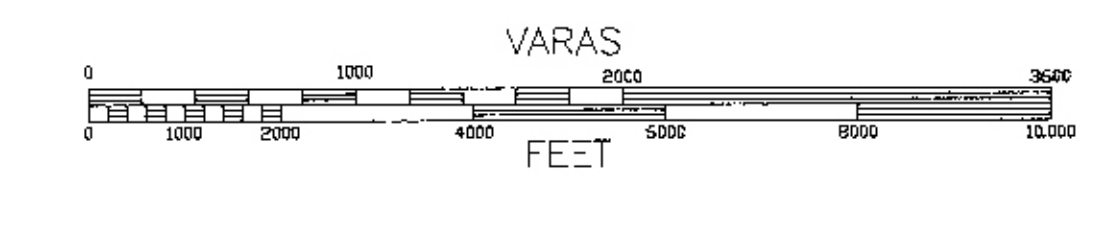


U.S.C. & G.S. TRI-STATION GRAY
84-224917

File No. Sketch File 94 County UPTON
Filed April 16, 1994
By GARRY MATIBO, Const.
Charles Howard



SCALE : 1"=720 Varas = 2000 Feet



LEGEND

- ⊙ = Original corner found and accepted.
- ⊙ = Patent corner found.
- = point for corner except as otherwise indicated.
- △ = N. G. S. (U.S.C. & G.S.) Triangulation Station.
- — — — — = Block line.
- — — — — = Survey line.
- - - - - = Patent line when not same as survey line.
- - - - - = Conflict line.
- x - x - x - x - = fence line.

CONTROL

N.G.S. (U.S.C. & G.S.) Triangulation stations CLEARLY, DANGER, LOW, LUX, & RANKIN MAGNETIC.
Data for station CLEARLY Y=204,211.43 varas, X=530,418.73 varas.
Theta angle = 0°52'04", Scale factor = 0.9998987.
Elevation factor = 0.99987445 (all at CLEARLY).
All courses, distances and coordinates shown hereon are those of the Texas Coordinate System of 1927-Central Zone.
Distances are shown in varas.

FIELD SURVEY PERSONNEL

Wm. C. Wilson, Jr., Larry McGuire, and Kerry Flint.

See Accompanying Report and Field Notes and all sheets Upton County Rolled Sketch 59.

EXHIBIT OF

RELATIVE POSITION OF ORIGINAL CORNERS AND SUMRALL'S CORNERS SET IN 1986 IN SURVEYS & BLOCKS LOCATED 4 MILES N.53°W. FROM RANKIN UPTON COUNTY, TEXAS.

Surveyed on the ground, September 1992 to January 1994.

Wm. C. Wilson, Jr.
Wm. C. Wilson, Jr.
Licensed State Land Surveyor

OFFICE OF
W. C. WILSON, JR.
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1514 West Beauregard Ave.
SAN ANGELO, TEXAS 76901

SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

This survey was made pursuant to request of Thomas J. Owens, Estate to locate the on the ground position of lines of Surveys adjoining the subject Surveys and determine the acreage contained in the said Surveys for the purpose of obtaining corrected Patents to remove subject Surveys from conflict with older titles.

Original corners are few and scattered in this area making it necessary to research and survey an extensive area to properly locate the Survey lines in question. This report will cover the history of the area, the surveying performed on the ground, and the construction or the delineation of the Survey and Block lines based upon the original corners found on the ground.

CHRONOLOGICAL HISTORY

The earliest surveys affecting location of the lines of the subject Surveys were originally made by C.D. Foote in 1880 and 1881 and consist of a mixed Block in which E.L. & RR.RR. Co., G.C. & S.F.Ry. Co., D. & S.E.Ry. Co., H.E. & W.T.Ry. Co., T.C.Ry. Co., and C. & M. RR. Co. certificates were located. The Surveys in this mixed Block which are significant to the location of the subject lines are Surveys 3 thru 11, Surveys 13 thru 26, Surveys 29 thru 30, Surveys 34 thru 40, and Surveys 43 thru 50.

M.K. & T. RR. Co. Block 1 was originally surveyed by H.C. Barton, October 3 thru 6, 1881. M.K. & T. RR. Co. Block 2 was originally surveyed by H.C. Barton October 7, 1881, and Field Notes dated January 22, 1882 were filed by Mr. Barton for Block 2 1/2, consisting of G.C. & S.F. RR. Co. Surveys 1 and 2, Certificate 4263 and T.C.Ry. Co. Surveys 3, 4, 5, and 6, Certificates 2283 and 2284.

Frederick Coomer Survey 2, Confederate Certificate 53, formerly Bexar Scrip File 41268, as originally field noted by C.D. Foote June 28, 1882, was located mostly in conflict with Block 2 1/2. The East part remnant of this Survey is now described by field notes found in School File 154384, the middle part remnant is found in School File 154405 and the West part remnant is found in School File 154403.

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

A.A. Burdett Survey 1, Confederate Certificate 282, Bexar Scrip File 50572, was located by P.A. Booker in 1884 after its 1883 location in Pecos County was canceled. Notations on the field notes indicate this Survey was located almost entirely in conflict with senior and patented Surveys, however, it was patented October 4, 1884. Survey 2, located by virtue of the same certificate was subsequently transferred to School File 77765 and patented January 10, 1911 on Corrected Field Notes dated December 17, 1910.

Numerous subsequent surveyors have performed surveys in this area and filed maps and/or Corrected Field Notes in the General Land Office over the intervening 100 plus years. Of particular interest are surveys performed by R.S. Dod in 1919, mostly confined to M.K. & T. RR. Co. Block 1, survey by Robert Estes in 1910, re-survey by J.A. Simpson in 1939 (see Upton County Rolled Sketch 22 and Corrected Field Notes on which several Surveys in Block 2 were patented), re-survey by Roscoe Simpson in 1963 (see Upton County Rolled Sketch 53) and by Byron L. Simpson in 1954, 1956 and 1962 (see Upton County Rolled Sketches 39, 54, and 52 and various Corrected Field Notes on which patents were issued). Rolled Sketch 52 depicts the tracts that were the subject of Supreme Court judgment dated October 9, 1968 in the case styled Atlantic v. Noel 443 SW 2nd 35.

The most recent re-survey found of record in this area is the re-survey performed by Mr. Clint Sumrall in 1986. Mr. Sumrall filed Corrected Field Notes for each of the herein above listed remnant parts of Frederick Coomer Survey 2, and a remnant of G.C. & S.F.Ry. Co. Survey 2, Certificate 4263, Block 2 1/2, formerly Bexar Scrip 39479 and now School File 154385. Said remnant part of Survey 2, Block 2 1/2 was sold to Thomas J. Owens Estate May 8, 1987 and Patented on Sumrall's field notes June 23, 1987 with all mineral and leasing rights reserved to the State of Texas.

Mr. Sumrall's field notes on said remnant part of Survey 2, Block 2 1/2 placed it between Survey 3, Block 2 1/2 and G.C. & S.F. Ry. Co. Survey 40 in the mixed Block lying to the East thereof. Mineral lands file No. 45265 in the General Land Office contains oil and gas lease No. M-45265 dated September 7, 1955 covering "N/Pt Survey 2, Block 2 1/2, Cert. No. 4263, G. C. & S.F. Ry. Co. Survey, Upton County, containing 100 acres, as shown by the plat attached hereto". The plat attached to said lease clearly indicates that the remnant part of Survey 2 was at that time considered by the Land Office to be located North of said Survey 40 and South of M.K. & T. Ry. Co. Survey 5, Block 2. Field Note Records indicate that both areas, to the extent they existed,

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

would be a part of Survey 2, Block 2 1/2 as originally located.

The aforesaid oil & gas lease appears to have been released September 18, 1959. According to letter signed by Mr. C.B. Thomson, director of Surveying dated April 2, 1991 to Ms. Peggy C. Kerr, Arco Oil & Gas Company the area covered by said lease is, to the extent that it may exist, the area now claimed by the General Land Office to be part of the Augusta A. Burdett Survey 1, Abstract No. 546 "left out of conflict with the aforementioned Survey 40". The field notes for said Augusta A. Burdett Survey No. 1 do not place said Survey in conflict with Survey 40 but call for its South boundary line to be the North line of Survey 40. The field notes of said Burdett Survey also call to its North boundary line to adjoin the South boundary line of G.C. & S.F. Ry. Co. Surveys 1 & 2 and T.C.Ry. Co. Surveys 3 & 4 all of which are known as Block 2 1/2.

The Burdett field notes place aforesaid lines 1317 varas apart in a North-South direction while the field notes and Rolled Sketch Files of the General Land Office clearly indicate that Surveys 1 and 2, Block 2 1/2 are mostly in conflict with Surveys 39 and 40 in the mixed Block. Thus there would be no room at all for the Burdett Survey it being supposed to lie between Surveys that are in conflict by almost a mile.

The General Land Office map of Upton County indicates that the Burdett Survey lies in total conflict with Surveys 4, 5, & 6 of M.K. & T. Ry. Co. Block 2. Apparently this was done to indicate that a Patented Survey was located some where in this area, if any of it existed. It is clear that the configuration shown on said map is not related to the field notes thereof except that it adjoins the West line of Survey 37 in said mixed Block.

Upton County Sketch File 42, which is Mr. Sumrall's sketch showing his location of Survey 2 Block 2 1/2 and the Fredrick Coomer Survey, indicates that Mr. Sumrall located the Burdett Survey by honoring its beginning call for the S.W. corner of Survey 37, the N.W. corner of Survey 38, and the N.E. corner of Survey 39 in said mixed Block and then, by its course and distance calls, locating it in conflict with M. K. & T. Ry. Co. Block 2, Surveys 4, 5, & 6 while ignoring the fact that its North boundary calls to adjoin the South line of Surveys 1 and 2 etc. in Block 2 1/2 which line, according to his own sketch, is located almost 1 mile South of his beginning point.

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

Mr. Sumrall's report, notes in his field book, and the corners he set on the ground are not in conformance with said Rolled Sketch 42 and field notes filed therewith. In his hand written report and field book and by his position on the ground Mr. Sumrall indicates that said area designated a remnant of A.A. Burdett Survey on Rolled Sketch 42 is a remnant of Survey 2 Block 2 1/2. At the end of his unsigned and perhaps incomplete report Mr. Sumrall makes a statement as follows: "Therefore the companion (even numbered) Surveys were segregated from the Public Domain and placed into the Public School Fund, thereby forbidding the location of other Surveys on these lands". This would rule out the location of a remnant of the Burdett Survey in this location. His printed report differs with said hand written report.

SURVEYING ON THE GROUND

This survey was performed on the ground using One Second Theodolites and Electronic Distance Measuring equipment and consisted of multiple closed traverses incorporating several NGS (USC & GS) Triangulation stations including Station Cleary. Said station Cleary has coordinates on the Texas Coordinate System of 1927 - Central Zone of Y=204,211.43 varas and X=530,418.73 varas, Theta Angle of $-0^{\circ}52'04''$, scale factor of $=0.9998887$ and an elevation factor of $=0.99987445$. Thirteen original corners were identified and traversed within said system of closures and are shown on the accompanying survey maps titled "Survey Map of G.C. & S.F. Ry. Co. Surveys 1 & 2 Block 2 1/2, Fred Coomer Survey 2 and surrounding Surveys and Blocks 4 miles N.53°W. from Rankin, Upton County, Texas" sheet 1 of 3, sheet 2 of 3, and sheet 3 of 3.

Seven of the iron pipe corners set by Mr Sumrall in 1986 were tied to our traverse and his construction of Survey lines projected therefrom is shown by dashed lines on said sheet 3 of 3. The relative position of Mr. Sumrall's corners and the original corners is shown on accompanying map or plat titled "Exhibit of relative position of original corners and Sumrall corners set in 1986 in Surveys and Blocks 4 miles N.53°W. from Rankin, Upton County, Texas".

CONSTRUCTION

The mixed Block of Surveys was constructed using the corners found therein which were identified and accepted as original corners established by C.D. Foote in 1880 and 1881. Lines were drawn between such corners and the intervening corners, prorated

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

along this line or, where appropriate, located at the intersection of lines drawn between certain original corners and, in some instances, prorated corners. The most Westerly line defined by original corners at each end is the West line of Surveys 11, 14, 15, 18, and 39 in said mixed Block. The Grid course along this approximately 5 mile long line is N.1°24'13"E. and the course relative to true North, based on Theta Angle at Station Cleary, is N.0°32'09"E. All North-South lines lying Westerly of this line were made parallel to it. The Grid course along the South line of Survey 3 was found to be N.88°06'15"W. while the Grid course along the South line of Survey 6, 7, 10, and 11 was found to be N.88°24'24"W., the mean for the total 5 miles being N.88°20'46"W. The Grid course along the South line of Surveys 29, 34, and 35 was found to be N.88°21'19"W. while the Grid course along the South line of Survey 38 was found to be N.88°07'56"W. resulting in a mean Grid course, for this 4 mile long line, of N.88°17'59"W. Since the last said line is closer in proximity to the subject remnant Surveys, and there being only 0°02'47" difference between the two overall courses, it was decided that the proper course to project Westerly from the original S.W. corner Survey 38 and original S.E. corner of Survey 39 would be N.88°17'59"W. A line Easterly and Westerly from the original N.W. corner of Survey 39 and original N.E. corner of Survey 40 was constructed parallel (N.88°17'59"W. and S.88°17'59"E.) to establish the North line of said Survey 39 and the North line of said Survey 40 in said mixed Block. The N.W. corner of said Survey 40 was located called distance or 1900.00 varas from said original N.E. corner of Survey 40 and the West line of Survey 40 was established by extending a line S.1°24'13"W. from said N.W. corner. The S.W. corner of Survey 40 was located where said West line of Survey 40 intersects a line projected N.88°17'59"W. from said original S.E. corner of Survey 39. All of the aforesaid corners and courses determined therefrom reveal that Mr. Foote's North was 1/2° to 3/4° clockwise from true North. Given this strong evidence of a reasonably consistent variance from true course by the original surveyor, it was deemed appropriate to adhere to Mr. Foote's North rather than project any line on true course.

The Survey and Block lines in M.K. & T. RR. Co. Block 1 and Block 2 were constructed by lines connecting corners identified and accepted as original, prorating intervening corners on said lines and by paralleling or projecting courses considered to be representative of Mr. Barton's North. Some of these corners are shown on Upton County Rolled Sketch 52 which depicts certain Surveys made for Mineral Applications and Scrap Files that were the

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

subject of judgment rendered by the Supreme Court of Texas October 9, 1968 in Case styled Atlantic v. Noel, 443 SW 2nd 35. The courses found between the corners recovered in these Blocks were not as consistent as those found in the mixed Block of Surveys and varied from 0°05'07" counterclockwise from true North to 0°59'20" clockwise from true North. This condition could support the rational of projecting lines on a true course where no more than one corner was found on a given line, however, it was decided the aforesaid construction best represented Barton's location of the Survey and Block lines when considered in connection with the aforesaid judgment.

The course determined between the corner found, identified and accepted as the original N.W. corner of Survey 40, Block 1 and the corner found, identified and accepted as the original N.E. corner of Survey 10, Block 1, each of which is shown on said Upton County Rolled Sketch 52, is S.88°07'10"E. (Grid) or S.89°03'20"E. (True) course based on Theta Angle of - 0°56'10" at Triangulation Station Gray. This line was projected S.88°07'10"E. (Grid) 5 miles according to original field note calls to locate the South line of Surveys 2, 3, 4, 5, and 6 M.K.T. RR. Co. Block 2 and the North line of Surveys 1, 2, 3, 4, and 5 in Block 2 1/2. The M.A. and S.F. Tracts shown on Rolled Sketch 52 were the cause of litigation resulting in judgment rendered in Atlantic v. Noel and this construction is in harmony with said judgment.

The course found between said N.E. corner of Survey 10, Block 1 and corner found, identified and accepted as the original S.E. corner of Survey 9 in said Block 1 (said corner also being indicated on said Upton County Rolled Sketch 52) was found to be S.1°33'09"W. (Grid) or S.0°36'59"W. based on True North as determined by Theta Angle at Triangulation Station Gray. The distance found between said N.E. corner Survey 10 and the S.E. corner Survey 9 was prorated to locate the S.E. corner of Survey 10 and the N.E. corner of said Survey 9 S.1°33'09"W. 1875.86 varas from said N.E. corner of Survey 10. This prorated corner is the S.W. corner of Survey 5, Block 2 1/2 according to original adjoiner calls. From said S.W. corner of Survey 5, a line was drawn S.88°07'10"E. parallel to the aforesaid North line of Block 2 1/2, to intersect the West line of Survey 40 in said mixed Block of Surveys to establish the South line of remnant Survey 2 and the South line of Surveys 3, 4, and 5 all in Block 2 1/2.

The East line of Survey 3 and the West line of remnant Survey 2, Block 2 1/2 was made parallel to the aforesaid East line of Survey 10, Block 1 (S.1°33'09"W.) at a position the original called distance Eastward from said East line of Survey 10.

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

The East line of Survey 5 and the West line of Survey 6 and the East line of Survey 6 M.K. & T.R.R. Co. Block 2 were each established called distance Easterly from and parallel to the West line of Surveys 2 and 11 in said Block 2. Said West line of Surveys 2 and 11 being a line drawn between aforesaid original N.E. corner of Survey 10 M.K. & T.R.R. Co. Block 1 and corner found, identified and accepted as the original N.W. corner of Survey 11 and N.E. corner of Survey 12 in said Block 2. The course of said line was found to be N.0°51'03"E. (Grid) or N.0°05'07"W. based on True North determined as aforesaid at Triangulation Station Gray.

From the common South corner of said Surveys 5 and 6 and from the S.E. corner of Survey 6, Block 2, lines were was extended S.1°33'09"W. (Grid) to intersect the North line of Survey 40 and the North line of Survey 39. This locates the West line of Survey 1 and the East line of Survey 2, and the East line of Survey 1 Block 2 1/2.

The hereinabove construction of Block 2 1/2 and the East part of M.K. & T. RR. Co. Block 2 was necessitated because Mr. Barton made no adjoiner calls to any Survey or corner in said mixed Block. It is clear that Mr. Barton did not know the relationship between said mixed Block Surveys and his location of said Block 2 and Block 2 1/2. This is evidenced by the fact that he placed Surveys 1 and 2 Block 2 1/2 in almost total conflict with Surveys 39 and 40 in said mixed Block revealing that he considered his position to be at least a mile farther North as related to said mixed Block of Surveys. Mr. Barton's field notes indicate that he made a pebble mound at the N.E. corner of Survey 2 and N.W. corner of Survey 3 in Block 2 and according to Upton Rolled Sketch 22 such a mound was found by J.A. Simpson. By the symbol used on Rolled Sketch 22, Mr. Simpson indicated this was an original corner but it was not used as such in his construction other than to establish the North line of said Surveys. Because of the aforesaid and additional problems apparent from a study of the associated record information and the necessity of additional surveying on the ground it was decided to forego the location of the remaining lines of Surveys 5 & 6 Block 2. The location of said remaining lines of Surveys 5 & 6 is not necessary to locate the on the ground position of the lines of the subject Surveys.

Since that remnant part of Survey 2 Block 2 1/2 lying North of Survey 40 and a Westward extension of the North line of Survey 40 was included in the Patent issued by the State of Texas for A.A. Burdett Survey 1, the same has been identified on the accompanying Survey maps as "W/P 1 A.A. Burdett" rather than as a remnant part of Survey 2 Block 2 1/2. This is because that, although it was a remnant part of Survey 2 and it was Senior to the location of said

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

A.A. Burdett Survey 1, nonetheless, at the time the Patent was issued said remnant part of Survey 2 was still a part of the Public School Lands and therefore the State could issue a Patent covering same presumably under whatever name it may be identified. This appears to be a situation as that set forth in Post v. Embry, 205 S.W. 514 and Ashby v. Ringstaff, 464 S.W. 2d, 891. That part of A.A. Burdett Survey 1 lying between the West line of T.C.Ry. Co Survey 37, Certificate 12, Abstract 361 and the East line of M.K. & T.R.R. Co. Survey 6, Block 2 appears to be valid and existing.

On said accompanying map titled "Exhibit of Relative Position of Original Corners and Sumrall's Corners Set in 1986 in Surveys & Blocks Located 4 Miles N.53°W. From Rankin, Upton County, Texas" and on Survey map sheet 3 of 3 the corners identified and accepted as those set by Mr. Sumrall are indicated as "found 1" G.I.P." written in slant lettering. The Survey lines, drawn from said found corners in accordance with the construction depicted on his map and the theory articulated in his accompanying report, are shown as dashed lines with the courses and distances along same shown in slant lettering. Mr. Sumrall's construction deviates in a number of ways from the fundamental principles applied in my construction of the Surveys and Blocks involved. I find that he set a 1" galvanized iron pipe in position where he claims to have found an earth mound originally made by H.C. Barton in 1881 at the N.E. corner of M.K. & T.R.R. Co. Survey 10, Block 1, thus ignoring the corner I have found identified and accepted as the original N.E. of 10, Block 1. The corner I used has been recognized by numerous Surveyors and others over the last 60 or more years and due to the circumstances and facts recited herein, is most likely the corner adjudicated by the Supreme Court in Atlantic v. Noel. My construction is based upon not one but numerous corners found identified and accepted as original corners. Mr. Sumrall's location causes a shift of more than 200 varas Westerly from my location. Mr. Sumrall then constructed the South line of Block 2 and the North line of Block 2 1/2 extending Easterly from his N.E. corner of Survey 10, on a course that is S.89°07'18"E. (Grid) or 0°00'48" left of True East. Mr. Sumrall constructed the West line of Block 2 1/2 perpendicular to aforesaid North line thereof or on a Grid course of S.0°52'42"W. For some mysterious reason Mr. Sumrall traversed a distance of 1945.30 varas to locate the S.W. corner of said Block 2 1/2 and the S.E. corner of Survey 10 and the N.E. corner of Survey 9 M.K. & T.R.R. Co. Block 1. This construction would leave a distance for the East line of 9 of 1849.33 varas and would locate the S.E. corner of Survey 9 Westerly 162.75 varas from its original S.E. corner which I found and identified on the ground.

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SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

An extension of this course would place the S.E. corner of Survey 8, Block 1 Westerly 85.17 varas from a corner I found, identified and accepted as its original S.E. corner with its mountain witnesses. Projecting Mr. Sumrall's course Northerly from his said beginning N.E. corner of Survey 10, would strike 205.92 varas Westerly from a stone mound I found, identified and accepted as the original N.E. corner of Survey 12 and original N.W. corner of Survey 11 M.K. & T.RR. Co. Block 2. It is apparent that Mr. Sumrall ignored the aforesaid 3 additional original corners as well as the corner I found, identified and accepted as the original N.W. corner of Survey 40, Block 1.

In the mixed Block of Surveys, Mr. Sumrall apparently found the same corner which I identified as the original N.W. corner of Survey 39 and the same corner which I identified as the original S.E. corner of Survey 38. It is not evident that he attempted to recover any of the other corners in the mixed Block and it is quite clear that he failed to find the small stone mound on West slope near foot of hill which I found, identified and accepted as the original S.E. corner of Survey 39. Again, Mr. Sumrall constructs his courses on a true course rather than based on the North used by the original surveyor, resulting in his locating the South line of Surveys 38, 39 and 40 where same would strike 32.71 varas Southerly from said original S.E. corner of Survey 39. His construction would also place his N.E. corner of Survey 39 Westerly 20.00 varas and 26.97 varas Northerly from where I locate the N.E. corner of Survey 39. A line extending South on Mr. Sumrall's course from the original N.W. corner of Survey 39 would strike 87.61 varas Easterly from the point which I identified and accepted as the original S.W. corner of Survey 11 in said mixed Block of Surveys.

SUMMARY

Based upon the above construction and corners found on the ground, I find 10.32 acres of land lying between the East line of Survey 3, Block 2 1/2 and the West line of G.C. & S.F.Ry. Co. Survey 40 and between the North line and South line of said remnant Survey 2, Block 2 1/2 as said North line and South line are monumented on the ground by Mr. Sumrall. The remnant of Survey 2 described in field notes found in School File 154385 is limited on the North line and the South line by its corners found on the ground but will loose acreage to the extent that it conflicts with original and Senior G.C. & S.F.Ry. Co. Survey 40 and to the extent that it conflicts with Survey 3 because of its failure to conform with the Block of Surveys of which it is a part. I find there is

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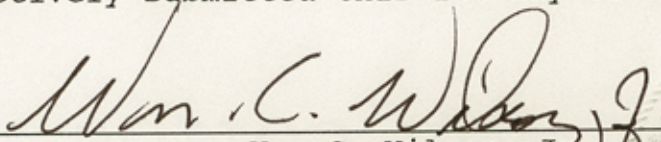
SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

an additional remnant of said Survey 2 lying North of said 10.32 acres and containing 0.15 acre of land. I also find another remnant of said Survey 2 lying to the South of said 10.32 acres and containing 0.48 acre of land, however, said 0.48 acre remnant is included in the existing Patent for E/P Fred Coomer Survey 2, School Land File 154384. The total of remnants of Survey 2 is 10.95 acres free of conflict with said Senior Surveys. I also find that there is a remaining remnant of G.C. & S.F.Ry. Co. Survey 1, Block 2 1/2, containing 1.23 acres of land lying between M.K. & T.RR. Co. Survey 6, Block 2, and G.C. & S.F.Ry. Co. Surveys 39 & 40 free of conflict with said Senior Surveys. Said Survey 1 is Patented for 640 acres.

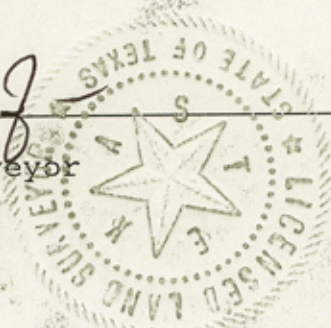
I find that the E/P Fred Coomer Survey 2, School File 154384, contains only 0.94 acre of land free of conflict with senior surrounding Surveys. I find that the W/P Fred Coomer Survey 2, School File 154403, contains 19.20 acres of land free of conflict with senior Surveys located North of it and South of it. I submit herewith Corrected Field Notes for (1) E/P Fred Coomer Survey 2, School File 154384. (2) G.C. & S.F. Ry. Co. Survey 1, Block 2 1/2, Bexar Script File 39479 and (3) G.C. & S.F. Ry. Co. Survey 2, Block 2 1/2, School File 154385, including all of remnant Survey 2 free of conflict. All of the aforesaid were made for Thomas J. Owens Estate.

Also enclosed herewith are affidavit for Corrected patent executed by the surface owners for each of the said Surveys on which Corrected Field Notes are submitted along with Exhibits "A" and "B" as required by said affidavit. The Corrected Field Notes, of course, constitute Exhibit "C" for each.

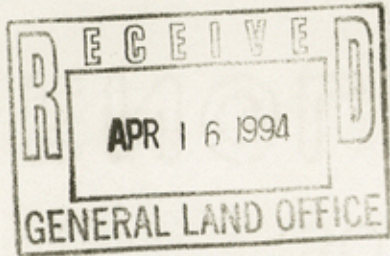
Respectively submitted this 1st day of April, 1994.



Wm. C. Wilson, Jr.
Licensed State Land Surveyor



Counter 38942



112588

SURVEY REPORT

OF

G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FRED COOMER SURVEY 2 AND SURROUNDING SURVEYS & BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS.

by: Wm. C. Wilson, Jr.
Licensed State Land Surveyor

File No. Sketch File 45
UPTON County
 Filed APRIL 16 19 94
 By Douglas Howard
 GARRY MAURO, Com'r

Filed for record in my office, the _____ of _____, 1994, at _____ o'clock _____ M., and duly recorded the _____ day of _____, 1994 in Book _____ Page _____ of the Field Note Records of Upton County, Texas.

County Clerk

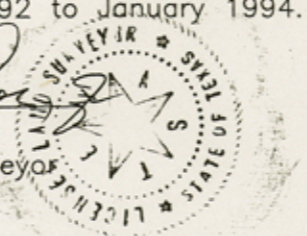
VOL 0003 PG 207
UPTON COUNTY, TX

EXHIBIT
OF
RELATIVE POSITION OF ORIGINAL CORNERS AND SUMRALL'S
CORNERS SET IN 1986 IN SURVEYS & BLOCKS LOCATED
4 MILES N.53°W. FROM RANKIN
UPTON COUNTY, TEXAS.

File No. Sketch File 45
UPTON County
Filed APRIL 16 19 94
by GARRY MAURO, Com'r
Douglas Howard

Surveyed on the ground September 1992 to January 1994.

Wm. C. Wilson, Jr.
Licensed State Land Surveyor
OFFICE OF
WM. C. WILSON, JR.
AND ASSOCIATES
1514 W. BEAUREGARD AVE.
P. O. BOX 3326 PH. 653-3916
SAN ANGELO, TEXAS 76902



SEE COMPLETE EXHIBIT IN
PLAT CABINET "A" - PLAT
JACKET 64 OF THE PLAT
RECORDS

SEE ACCOMPANYING REPORT AND FIELD NOTES AND ALL SHEETS UPTON COUNTY ROLLED SKETCH 59

counter 38944

THE STATE OF TEXAS
COUNTY OF UPTON

I, Phyllis Stephens, Clerk of the County Court in and for said County do hereby certify that the foregoing instrument dated 4-1-94
along with it's certificate of authentication, was recorded in the Field Note Official Public Records in my office in Rankin, Texas on

the 13TH day of APRIL 19 94 at 12:45 o'clock P M Instrument No. 112588
\$ 30.00 Charge \$ _____ Paid _____ Receipt No. 7832
Volume No. 003
Page No. 196

Return to: WM. C. WILSON, JR.
P.O. BOX 3326
SAN ANGELO, TEXAS 76902
By: Hilda Moody Deputy
HILDA MOODY Deputy
Compared by: Kim Seager

PHYLLIS STEPHENS, COUNTY CLERK, UPTON CO, TEXAS