

File No. Sketch File 45-A

UPTON County

Date Filed: September 13, 2001

By David Dewhurst, Commissioner  
Douglas Howard

UPTON COUNTY SKETCH FILE 45-A

A SURVEY REPORT SUPPLEMENTAL TO UPTON COUNTY SKETCH FILE 45 WHICH IS A SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FREDERICK COOMER SURVEY 2 AND SURROUNDING SURVEYS AND BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS, PREPARED BY WM. C. WILSON, JR., LICENSED STATE LAND SURVEYOR AND RECORDED IN 1994.

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

Filed for record in my office, the 11 day of September, 2001, at 3:15 o'clock P.M., and duly recorded the 11 day of September, 2001 in Book 3 Page 208 of the Field Note Records of Upton County, Texas.

PHYLLIS STEPHENS, Co. Clerk

By: Monetta Sides, Deputy  
Phyllis Stephens, County Clerk

## WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS  
PHONE 915/653-3916 \* FAX 915/655-1895  
P.O. BOX 3326-ZIP 76902  
1514 W. BEAUREGARD AVE.

WM. C. WILSON, JR.  
R.P.L.S., L.S.L.S.

SAN ANGELO, TEXAS 76901

THOMAS J. HOUSTON  
R.P.L.S., L.S.L.S.,  
B.S.S

August 28, 2001

### UPTON COUNTY SKETCH FILE 45-A

A SURVEY REPORT SUPPLEMENTAL TO UPTON COUNTY SKETCH FILE 45 WHICH IS A SURVEY REPORT OF G.C. & S.F. RY. CO. SURVEYS 1 AND 2 BLOCK 2 1/2, FREDERICK COOMER SURVEY 2 AND SURROUNDING SURVEYS AND BLOCKS LOCATED ABOUT 4 MILES N.53°W. FROM RANKIN, UPTON COUNTY, TEXAS, PREPARED BY WM. C. WILSON, JR., LICENSED STATE LAND SURVEYOR AND RECORDED IN 1994.

This is a report of additional survey and monumentation performed pursuant to the request of The Texas General Land Office, David Dewhurst, Commissioner, to obtain the proper documents to issue Corrected Patent for West Part Frederick Coomer Survey 2, School File No. 154403, Confederate Certificate 53 and Abstract No. 1599, and Tom S. Bloxom, et ux, to obtain Corrected Patent for T.C. RY. Co. Survey 6, Block 2 1/2 Certificate 2284, Abstract 1370, G.L.O. File No. 131783 all in Upton County, Texas.

Upton County Sketch File 45 as recorded in the General Land Office in 1994 is hereby referenced and made a part hereof as though the same were copied herein in its entirety. The next to last paragraph on page 6 of 10 of said Upton Sketch File 45 sets forth the construction for Surveys 9 and 10 M.K. & T. R.R. Co. Block 1. Survey 9 was Patented on the Original Field Notes of Mr. Barton and Survey 10 was Patented on Corrected Field Notes by R.S. Dod. Survey 5 Block 2 1/2 was also Patented on Barton's Original Field Notes.

As depicted on sheet one of three of accompanying Upton Rolled Sketch 59-A, it was found that Dod's relocation of Survey 10 and subsequent Patent thereon was in conflict with Survey 9 in Block 1 and with Survey 5 in Block 2 1/2 therefore the Original West line of 5 and the Original East line of 9 remain the correct position and their common corner is at prorated distance on a straight line between the Original S.E. corner of Survey 9, Block 1 and the Original N.E. corner of Survey 10, Block 1. The N.E. corner of Survey 10, Block 1 is also the Original N.W. corner of Survey 5, Block 2 1/2. This construction is in harmony with the Judgment issued by the Supreme Court of Texas in litigation styled Atlantic v. Noel, 443 SW 2nd 35.

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The Corrected Field Notes on which T.C. Ry. Co. Survey 6, Block 2 1/2 was Patented contain a slight discrepancy in that they call for the N.E. corner of Survey 6 to be at the S.E. corner of Survey 5 Block 2 1/2 but they also call this to be the N.W. corner of Frederick Coomer Survey 2. The N.W. corner of said Survey 2 is 35.53 varas S. 88°07'10"E. from the S.E. corner of said Survey 5 as indicated on accompanying Survey Plat, Upton County Rolled Sketch 59-A. Said Field Notes on which Survey 6 was Patented also call to adjoin the West line of said Survey 2 and the West line of D. & S.E. Ry. CO. Survey 43 and said Survey 2 calls for the N.W. corner of said Survey 43. Thus there are three adjoiner calls for a position slightly East of the one adjoiner call position. The courts have stated in numerous opinions that in the event of ambiguities the rejection of the least number of calls is desired. Therefore this survey holds the adjoiner calls for the East line of Survey 6 to join the West line of Frederick Coomer Survey 2, its N.W. corner and the West line of said Survey 43.

As Survey 10 Block 1 was Patented in conflict with Survey 9 of the same Block and in conflict with Survey 5 Block 2 1/2, the part of T.C. RY. Co. Survey 6 left out of its Patent and called Survey 10 was erroneously done.

Survey 10 was awarded or sold April 20, 1905. The only Field Notes of record at that time were the Original by H.C. Barton dated October 3, 1881. R.S. Dod filed Corrected Field Notes dated December 1913 on which Patent was issued January 18, 1945.

T.C. Ry. Co. Survey 6 was awarded or sold May 29, 1924. The only Field Notes of record at that time were the Original by H.C. Barton dated January 22, 1882. These Field Notes called to begin at the N.E. corner of Survey 9 Block 1 which is also the original S.E. corner of Survey 10. Corrected Field Notes were filed by B.T. Quarles dated July 20, 1927. Although these Corrected Field Notes maintained the adjoiner for the N.E. corner of Survey 9 and the S.W. corner of Survey 5, the corner described is the one made by R.S. Dod and recited in his 1913 Corrected Field Notes for Survey 10. Fortunately, no action was taken on the Quarles work as such would have left unpatented parts of Survey 6 to the North and West thereof. Additional Corrected Field Notes dated January 18-26, 1954 were filed by Byron L. Simpson and Patent issued thereon November 4, 1954.

Since Survey 6 was awarded or sold in 1924 on its original Field Notes, the Patent to Survey 10 in 1945 based on Dod's Corrected Field Notes was invalid to the extent it conflicted with or covered any part of Survey 6. There was no conflict between the original awards of Surveys 6 and 10.

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SUMMARY

Based on the above construction and as further set forth in Upton County Sketch File 45 together with corners found on the ground, I find that the West part of Frederick Coomer Survey 2, School File 154403, Certificate 53, Abstract 1599 contains 19.39 acres of land free of conflict with senior surveys located North of it and South of it. This was correctly shown on Upton County Rolled Sketch 59, however in the report accompanying said Rolled Sketch 59 filed in 1994 in the next to the last paragraph on the last page (10 of 10) being Upton County Sketch File 45 this quantity was misstated as 19.20 acres of land. I find that T.C. Ry. Co. Survey 6, Certificate 2284, Abstract 1370, G.L.O. File No. 131783 contains 71.08 acres of land free of conflict with surrounding senior surveys while honoring the greatest number of adjoiner calls possible.

I submit herewith Corrected Field Notes for (1) W/P Frederick Coomer Survey 2, School File 154403, Confederate Certificate 53, Abstract 1599 describing 19.39 acres of land and (2) T.C. Ry. Co. Survey 6, Block 2 1/2, School File 131783, Certificate 2284, Abstract 1370 describing 71.08 acres of land. All of the aforesaid were prepared pursuant to GLO Contract No. 01-616R, a Professional Services Contract between the General Land Office (GLO) and Wilson Land Surveying, Inc. (Provider) and pursuant to the request of Tom S. Bloxom and wife Lou Ella Bloxom, surface owners of the subject lands.

Affidavit for Corrected Patent executed by the surface owners for each of the said Surveys on which Corrected Field Notes are hereby submitted will be forwarded along with required Exhibits as soon as such have been prepared by attorneys and executed by the said surface owners.

Respectfully submitted this 30th day of August, 2001.

  
Wm. C. Wilson, Jr.

Licensed State Land Surveyor  
San Angelo, Texas

