

**SURVEY REPORT
OF
RESURVEY (RETRACEMENT) OF PORTIONS OF
I. & G. N. R.R. CO. BLOCK 1 AND
T. C. R.R. CO. BLOCKS Q5 AND Q6,
LOCATED IN SOUTHWESTERN CROCKETT COUNTY,
AND NORTHWESTERN VAL VERDE COUNTY, TEXAS.**

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

*Plat-Val Verde Rid. sk. 83**

File No. SKETCH FILE 55

VAL VERDE County

Filed December 9, 1999

DAVID DEWHURST, COMMISSIONER

By Douglas Howard

Filed for record in my office, the 8 day of NOV.
1999, at 9:00 o'clock A M, and duly recorded the 8 day of
NOV., 1999, in Book 4 Page 308 of the Field Note
Records of Val Verde County, Texas.

David Trent
David Trent, County Surveyor

Filed for record in my office, the 8 day of November
1999, at 2 o'clock P M. and duly recorded the 8 day of
November, 1999 in Book 4 Page 243 of the Field Note
Records of Crockett County, Texas.

Debbie Puckett
Debbie Puckett, Crockett County Clerk

counter 139337

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SURVEY REPORT OF RESURVEY (RETRACEMENT) OF PORTIONS OF I. & G. N. R.R. CO. BLOCK 1 AND T. C. R.R. CO. BLOCKS Q5 AND Q6, LOCATED IN SOUTHWESTERN CROCKETT COUNTY, AND NORTHWESTERN VAL VERDE COUNTY, TEXAS.

The resurveying (retracement) to be discussed herein covers the former Myrtle Mitchell Ranch, now the Mayme K. Daniel Ranch and the Hallie K. Black Ranch, together with the Northwest part of John Meadows Ranch and a portion of Tom Mitchell Ranch.

The purpose of this resurvey (retracement) is to locate the correct position of the numerous Survey and Block lines which were Originally established when the subject lands were segregated from the Public Domain of Texas together with any resurveys which reestablished and perpetuated the location of said lines as reflected by Records of the General Land Office at Austin, Texas. It is also the purpose of this resurvey to determine the acreage in certain Surveys and any conflicts of the lines thereof.

CHRONOLOGICAL HISTORY OF SURVEYS AND BLOCKS

1877-- SYSTEM OF RIVER SURVEYS KNOWN AS I. & G.N. R.R. CO. BLOCK 1.

These Surveys, located by Jacob Kuechler, Deputy Surveyor under L.C. Navarro, District Surveyor of Bexar District in March and April, 1877 are situated on the East side and front on the Pecos River in what is now Crockett County and Val Verde County, Texas. Mr. Kuechler left some gaps between the Certificates he was locating for International & Great Northern Railroad Company which were filled in by subsequent surveyors.

1881-- ADDITIONAL RIVER SURVEYS LOCATED IN I. & G.N. R.R. CO. BLOCK 1.

On March 31, 1881 Mr. A. Wyschetski Deputy Surveyor under W.M. Locke, District Surveyor of Bexar District filed field notes for Surveys 103, 104, 112, 113, 120 and 121 to fill in gaps left by Mr. Kuechler in 1877. Mr. Wyschetski does not recite any calls which are identifiable except adjoiners to the existing survey located by Mr. Kuechler immediately North of each gap. It is interesting to note that field notes by Mr. Kuechler immediately South of each gap called to begin at the Southwest corner of the numbered Survey purportedly located four years later by Mr. Wyschetski.

1882--- SURVEYS IN T.C. R.R. CO. BLOCK Q6.

All of Surveys 1 thru 16 in Block Q6 were segregated from the Public Domain by field notes dated April 5, 1882 by Will H. Bonnell, Deputy Surveyor under W.M. Locke, District Surveyor of Bexar District. Mr. Bonnell calls for no identifiable corners but rather calls to begin at and build from the field notes of Mr. A. Wyschetski for Surveys 104 and 105 in I. & G.N. R.R. Co. Block 1.

1882--- SURVEYS 1 THRU 8 T.C. R.R. CO. BLOCK Q5.

Surveys 1 thru 8 in T.C. R.R. CO. Block Q5 were also segregated from the Public Domain by field notes prepared by Will H. Bonnell on the same date, April 5, 1882, as were his field notes in Block Q6. As aforesaid, Mr. Bonnell was Deputy Surveyor under W.M. Locke, District Surveyor of Bexar District.

1883--- RESURVEY OF I. & G.N. R.R. CO. BLOCK 1 AND T.C. R.R. CO. BLOCKS Q5 AND Q6.

From August thru October (for this particular area) Mr. E.A. Giraud, Deputy Surveyor under W.M. Locke, District Surveyor of Bexar District conducted a resurvey in which he established and perpetuated the Surveys in I. & G.N. R.R. Co. Block 1 based upon his recovery of Original corners as set by Mr. Kuechler. In this resurvey, Mr. Giraud discovered some

additional gaps between some of the corners and Surveys Originally done by Mr. Kuechler. In this particular area there is one such gap where Survey 117 1/2 is now located. Mr. Giraud prepared Corrected field notes, incorporating his resurvey findings, for each of the Surveys in that part of said Block 1 which is the subject of this report and on most of the Surveys in said Block Q6 and each of Surveys 1 thru 8 in said Block Q5. The Original field notes of Kuechler, Wyschetski, and Bonnell were canceled by the Texas Land Commissioner and Giraud's Corrected field notes were filed to replace each such Original field note. Patents issued on Kuechler's field notes were canceled and new patents were issued based upon Giraud's Corrected field notes.

1884--- SURVEY 117 1/2, I. & G.N. R.R. Co. BLOCK 1 & SURVEYS 9, 10, 11, AND 12, BLOCK Q5.

On January 15, 1884 Mr. Giraud prepared field notes for Survey 117 1/2 to fill the gap he had discovered between Mr. Kuechler's Survey 116 and 117 in I. & G.N. R.R. Co. Block 1. Also on January 15, 1884, Mr. Giraud prepared field notes for Survey 9 in said Block Q5 which Survey is located immediately East of said Survey 117 1/2. These were Original Surveys by Mr. Giraud. On the same day, January 15, 1884, Mr. Giraud prepared Original field notes for Survey 10 in said Block Q5 lying immediately East of the Northerly part of said Survey 9 and immediately South of Survey 8 in said Block Q5. The beginning call for Survey 10 being "stake and mound on the South line of Survey 8 the Northeast corner of Survey 9, Block Q5". The next day, January 16, 1884, Mr. Giraud prepared Original field notes for Surveys 11 and 12 in said Block Q5. Survey 11 lies immediately South of said Survey 10, Block Q5, and East of said Survey 9 in Block Q5 and East of Survey 117 in I. & G.N. R.R. Co. Block 1. Said Survey 11 also lies to the West of Surveys 12 and 13 in T.C. R.R. Co. Block Q6 and Giraud's field notes have adjoiner calls for the S.W. corner of said Survey 12 and the N.W. corner of said Survey 13 as well as the S.W. corner of said Survey 13. Survey 12 in Block Q5 is located immediately

South of Survey 11, immediately East of Surveys 118 and 119 in I. & G.N.R.R.Co. Block 1, immediately North of Survey 120 in said Block 1 and immediately West of Survey 14 in said Block Q6 and also adjoins the South line of Survey 13 in said Block Q6. It should be noted that Survey 9 in Block Q5 was the "individual" Survey located for the Texas Central Railway Company and that Survey 10 was the companion Survey required to be located for the State of Texas under the same Certificate and that said Survey 9 was Patented June 27, 1884 while the State still owned Survey 10. Survey 10 was sold August 10, 1912. A similar situation existed as regards Surveys 11 and 12 Block Q5. Survey 11 was the "individual" Survey located for Gulf, Colorado and Santa Fe Railroad Company and Survey 12 was the companion Survey located for the State of Texas by virtue of the same Certificate. Survey 11 was patented June 26, 1884. Survey 12 was sold by the State August 10, 1912.

1924--- RESURVEY OF PARTS OF SURVEYS 8, 10 & 12, BLOCK Q5 AND 10 BLOCK Q6.

In May of 1924 Mr. Edgar C. Saunders resurveyed portions, commonly called "split outs" of Surveys 8, 10, and 12 in Block Q5 and also Survey 10 in Block Q6. Mr. Saunders surveyed both a Northerly part and a Southerly part of said Survey 8 Block Q5 however, he only surveyed the Easterly part of said Survey 10 in Block Q5 and the Northerly part of said Survey 12 in Block Q5. He surveyed both the Northerly and Southerly parts of Survey 10, Block Q6. Mr. Saunders filed corrected field notes on each of the aforesaid on which patents were subsequently issued.

1937--- RESURVEY OF OTHER PARTS OF SURVEYS 10 & 12, T.C. R.R. CO. BLOCK Q5.

In August 1937 Mr. H. Conger Jones surveyed the Southwest part of Survey 10 reciting the same calls which Mr. Saunders recited along this common line with the East part, however Mr. Jones calls this to be "with fence" in each instance. Likewise in his resurvey of the South part of Survey 12, Block Q5 Mr. H. Conger Jones called for the same calls as those recited in

Mr. Saunders' Field Notes along the line dividing the North part and the South part except that Mr. Jones says "with fence" in each instance. Mr. Jones filed corrected field notes on which patents were subsequently issued.

SURVEYING ON THE GROUND

CONTROL WORK

U S C & G S. Triangulation Stations Mitchell in Crockett County and Scott in Terrell County were utilized to relate this work to the Texas Coordinate System of 1927 - Central Zone. This was performed by Electronic Distance Measuring (EDM) traverses used in conjunction with one second theodolites traversing to each of the corners shown as found. Some of these corners have been verified utilizing Global Positioning System Equipment (GPS) and all positions are deemed to exceed by several multiples the minimum requirements of the Professional and Technical Standards published by the Texas Board of Professional Land Surveying. All courses, distances, and coordinates recited in this report, accompanying Plat (Val Verde County Rolled Sketch 83) and related corrected field notes are based upon said Texas Coordinate System of 1927 - Central Zone. (See Chapter 21 Sub Chapter D Natural Resources Code). The distances and coordinates are grid varas.

SURVEY CORNERS RECOVERED

Six of the eight Original identifiable corners recited in the field notes of Mr. Kuechler and Mr. Giraud were found during this Resurvey. The corner called for on the East bank of the Pecos river between Survey 113 and Survey 114 I. & G.N. R.R. Co. Block 1 appears to have been washed out.

The corner on the line between Surveys 118 and 119 in Block 1 was recovered, the corner between Survey 117 and Survey 117 1/2 on the East bank of the Pecos River in said Block 1 was recovered, the corner on the line between Surveys 115 and 116 in said Block 1 was recovered,

the corner on the line between Surveys 114 and 115 in said Block 1 was recovered and the corner for the S.E. corner of Survey 104 was also recovered. Old stone mound witness as called for by Mr. Giraud in his Field Notes on Survey 108, I. & G.N. R.R. Co. Block 1, was also recovered. Ravine intersecting the East bank of the Pecos river, as called for in Giraud's 1884 field notes for Survey 117 1/2, was also found.

The corner called for on the East bank of the Pecos river between Survey 116 and Survey 117 1/2 I.& G.N.R.R.Co. Block 1 has been covered over or destroyed by recently built road, however, the river bank upstream and downstream can be seen.

Giraud's field note calls from the intersection of said narrow ravine with his meander line along the East bank of the Pecos river confirms the position of said corner between Surveys 116 and 117 1/2 when said corner is located along the East bank of the Pecos River allowing the same proportionate North-South shortage as found between the Northwest corner of Survey 117 and the original monument found on the North line of Survey 116. The ravine called for is very narrow and definite as it intersects Giraud's meander line along the East bank of the Pecos river.

The position thus located for the corner between Surveys 116 and 117 1/2 on the East bank of the Pecos river has coordinates on the Texas Coordinate System of 1927-Central Zone of $Y=81,088.01$ varas and $X=562,239.96$ varas. This is a point near the base of high rock bluff, 14 varas easterly from approximate river bank located May 18, 1999 under said road, from which position where large boulder called by Giraud as "projecting into the river" (now moved or covered by said road) bears S. $14^{\circ}46'W$. 11.0 varas and said narrow ravine bears S. $53^{\circ}14'E$. 61.0 varas, S. $78^{\circ}29'E$. 48.0 varas and S. $62^{\circ}44'E$. 43.0 varas.

These corners are depicted and described on accompanying plat titled "PLAT SHOWING RESURVEY (RETRACEMENT) OF A PORTION OF I. & G.N. R.R CO. BLOCK 1 AND T.C.R.R.CO. BLOCKS Q5 AND Q6 CROCKETT AND VAL VERDE COUNTIES, TEXAS"

dated March 1982 thru September 20, 1999, which is also identified as VAL VERDE COUNTY ROLLED SKETCH 83 IN THE GENERAL LAND OFFICE.

Stone mounds were recovered in position recited in the field notes of Mr. Saunders for his S.E. corner of Survey 8 and N.E. corner of Survey 10, Block Q5 as well as his N.E. corner of Survey 12 Block Q5.

DETERMINATION OF SURVEY LINES FROM SURVEY CORNERS RECOVERED

As a preamble to the construction of the Surveys involved in this report, I consider it appropriate to set out some of the rules of surveying which have been long established by instructions from Commissioners of the General Land Office, by Statute and by Case Law. All of these are consistent in instructing the surveyor to "follow the footsteps of the locating surveyor". In *Standefer v. Vaughn, et al*, 219 S.W. 484 (March 3, 1920), it was held "that lost corners and lines are to be established from nearest known corners".

The courts have also held that "presumption arises that Surveyor actually surveyed all lines he called for but such presumption must be used with due regard for rule that recitals in Junior Surveys cannot be admitted to create ambiguity in calls or change location of Senior Survey" -- Reference -- *Kirby Lumber Corp. v Lindsey* (CIV APP. 1970) 445 S.W. 2d 733.

The courts have stated, regarding Patents, that "the issuance of a Patent is a mere ministerial act; whether it is issued or not does not defeat legal rights which are vested; rights of parties are determined by priority of valid location, not by mere issuance of Patent; survey under valid location, although unpatented, will prevail over Patent issued under location subsequently made upon the same land". -- Reference -- *Atlantic Refining Company v Noel* (Sup. 1968) 443 S.W. 2d 35.

Additional findings by Texas Courts state that -- "a Patent to the Plaintiff is evidence of title unless the defendant shows a valid grant to someone previous to the date of the location and

survey on which Plaintiff's Patent was issued, or that defendant had the prior and superior equitable title to the land at the date of said Patent". -- Reference -- Miller v Brownson (1879) 50 T. 583. Also that "one holding a Patent from the State to certain lands can recover such lands, unless his Patent conflicts with a prior survey admitted to be owned by another party". -- Reference -- Thatcher v Matthews (CIV. APP. 1916) 183 S.W. 810.

Regarding conflict between Junior Surveys and Senior Surveys, the case of Ashby v Ringstaff (CIV. APP. 1971), 464 S.W. 2d 891, states "Land Office which sold two tracts of land at the same time to two different persons based on 1869 survey could not later Patent land to one of the purchasers based on a corrected 1947 survey and thereby divest other purchaser of land it granted to the Patentee which made the new survey, even though Original boundary line as shown in 1869 survey was in error and Land Office accepted payment for all the acreage claimed by the Patentee".

In John T. Lilly v. Leon & H. Blum, 70 Texas Reporter Page 704 (1887) it is said "the true and correct location of the land is ascertained by the application of all or any of these rules to the particular case. (Reference is made to Stafford v. King, 30 Texas 257). And when they lead to contrary results or confusion, that rule must be adopted which is most consistent with the intention upon the face of the Patent, read in the light of the surrounding facts and circumstances". (Reference Stafford v. King, 30, Texas, 257). This court also stated "it is well settled that the beginning call or corner in a grant is of no higher dignity or greater weight than any other".

In Stafford v. King, 30, Texas at page 269 the court states "that the most material and most certain calls shall control those which are less material and less certain", and continues by stating that "course and distance are regarded as the most unreliable, and generally distance more than course, for the reason that chain-carriers may miscount and report distances inaccurately, by

mistake or design".

There is also a distinction made between calls that are descriptive or directory, and special locative calls. The former, though consisting of rivers, lakes and creeks, must yield to special locative calls, for the reason that the later, consisting of the particular objects upon the lines or corners of the land, are intended to indicate the precise boundaries.

In discussing instances where calls were made by mistake the courts said "but such matters of description as were evidently given by mistake should be disregarded, and effect given to the calls which are certain and are found, which in connection with other matters of description contained in the grant, will make it conform to the evident intention of the parties".

As can be ascertained by the CHRONOLOGICAL HISTORY, I. & G.N. R.R. Co. Block 1 is the Senior Block while Block Q6 and Surveys 1 thru 8 in Block Q5 are Junior to said Block 1. Surveys 9, 10, 11 and 12 in Block Q5 as well as Survey 117 1/2 in Block 1 are Junior to all Surveys surrounding same. Mr. Giraud conducted a Resurvey and reconfigured all the Surveys in Block 1 and Surveys 1 thru 8 in Block Q5, and the proper method of construction is to set the unmarked lines in said Block 1 by prorating between the Original corners found therein. If Mr. Giraud had not done his resurvey and reconfiguration it would next be appropriate to prorate Bonnell's calls in Blocks Q5 and Q6 to fit said Surveys in Block 1. Finally it would be discovered that there was no room for Surveys 9, 10, 11 and 12 Block Q5. The discrepancy would be several hundred varas shortage in both North-South and East-West directions.

In his corrected field notes, Mr. Giraud adjusted the East-West dimensions of the Surveys in Block 1, many by several hundred varas and one by 2736 varas. He also reconfigured entirely Surveys 1 thru 8 in Block Q5 so that said Surveys have no resemblance whatsoever to the original calls of Will Bonnell. In Block Q6, Mr. Giraud increased the called offset at the N.E. and N.W. corners of Survey 6 relative to the S.E. and S.W. corner of Survey 1 from 28 varas

to 54 varas or an increase of 26 varas. He also increased the call on the South line of Survey 105 Block 1 from 1928 varas to 1954 varas or an increase of 26 varas. Mr. Giraud reduced the call along the South line of Survey 104 in Block 1 from 4067 varas to 3890 varas or a reduction of 177 varas which he then applied to the offset call between the Southeast corner of Survey 104 and the Northeast corner of Survey 1, Block Q6, reducing that call from 489 varas to 312 varas or a reduction of 177 varas. All other calls in Surveys 1 thru 12 in Block Q6 were left the same as those recited in field notes of Will Bonnell. Surveys 13 and 14 were reconfigured by Mr. Giraud to fit the adjoining Surveys in Block 1.

Except for Survey 104, and Surveys upstream therefrom, neither Mr. Kuechler nor Mr. Giraud made back corners (corners farthest away from the East bank of the Pecos River) for the Surveys in this area of I. & G.N. R.R. Co. Block 1. This makes it necessary to determine course along which to traverse Giraud's called distances Eastward from corners found on or near the East bank of the Pecos River to locate said back corners. Upstream it was found that Mr. Giraud had corners near the East bank of the Pecos River and at the back corner of some of the Surveys in said Block 1. It was found that a good representation for this course was S.89°14'00"E. grid course on the said Texas Coordinate System of 1927 - Central Zone. This was based on the few such corners found however it was within 2 or 3 minutes of True East based on theta angle being about minus 0°43' or 0°44'. This course was then used for each of the lines radiating back from the East bank of the Pecos River and the back line of each Survey was made perpendicular to this course resulting in a grid course of N.0°46'00"E. Prorating in both North-South and East-West directions resulted in a shortage in the offsets between the back corners of these Surveys amounting to 6.87 varas at each offset in an East-West direction except where corners were found on or near the East bank of the Pecos River. Excess in a North-South direction of 9.4 varas per Survey was found.

Since, as aforesaid, the first eight Surveys in Block Q5, as reflected by field notes of E.A. Giraud, bore no resemblance to the same Surveys as reflected by the field notes of Will H. Bonnell and the fact that there were only minor changes in Block Q6, because Mr. Giraud's descriptions matched most of the calls of Will Bonnell, the Surveys in said Block Q6 were constructed per Giraud's called distances East-West. Mr. Giraud's field notes in Block Q6 call to adjoin Survey 104 Block 1 on its North and Survey 120 Block 1 on its South. By virtue of these adjoiners, the Surveys in Block Q6 acquire the North-South excess found in Block 1. This excess was distributed proportionately to each Survey in Block Q6 according to the North-South calls in Giraud's field notes.

The construction of the lines for Surveys 1 thru 8 Block Q5 was accomplished as follows: Surveys 1 and 2 acquired the same North-South excess as was found in Surveys 114 and 115 of said Block 1 due to the adjoiner calls for same. Both Surveys 1 and 2 were constructed called distance Easterly to locate the common line between Surveys 1 and 2 and the East line of said Survey 2. Surveys 3 and 4 in said Block Q5 were located by proportionately applying the excess distance found North-South in Survey 112, Block 1, to each of the called distances of that portion of said Surveys 3 and 4 being common with the East line of said Survey 112. Because of the adjoiner call in Survey 4 for the S.E. corner of Survey 109 and the S.W. corner of Survey 107 in Block 1, the East line of Survey 109 and the West line of Survey 107 was projected Southerly to intersect the common line between said Survey 3 and 4 as projected Eastward from their common West corner on the East line of said Survey 112 as aforesaid. This allows Survey 4 to take the same North-South excess as found in Surveys 110, 111 and that part of said Survey 112 in said Block 1 which lies immediately West of Survey 4. The East line of said Survey 4 was projected Southerly the called distance found on the Northern part of the East line of Survey 3 adjusted to the same ratio of excess found North-South in that part of Survey 112 and Survey 113

of I. & G.N. R.R. Co. Block 1 lying immediately West of said Survey 3. This located the ell corner of said Survey 3, same being the S.W. corner of Survey 6 in said Block Q5. A line was projected S.89°14'00"E. from said S.W. corner of Survey 6 to intersect the West line of Block Q6 for the S.E. corner of said Survey 6 and the N.E. corner of Survey 7 in Block Q5. This line was found to be 66.11 varas excessive over the call recited in field notes of Mr. Giraud.

To locate the Southerly East line of said Survey 3, Block Q5 in such way as to maintain the integrity of the calls in the Field Notes of Mr. Giraud, the call distance East from said ell corner of Survey 3 and S.W. corner of Survey 6 to the most Easterly N.E. corner of Survey 3 and the N.W. corner of Survey 7 in Block Q5, together with the called distance Westerly from the N.E. corner of Survey 2, were adjusted in a manner which prorates the excess found in the relative East-West position of said S.W. corner of Survey 6 and the N.E. corner of Survey 2 Block Q5. The North-South distance along this common line between said Surveys 3 and 7, Block Q5 received the same North-South excess as was found in the relative portion of Survey 113, Block 1. The common West corner of Surveys 7 and 8 Block Q5 was located on the East line of Survey 2 at a distance Southerly from the N.E. corner of said Survey 2 which allows the same ratio of excess in this part of the West line of Survey 7 as that found in Survey 2. The Southwest corner and South line of Survey 8 Block Q5 was located at a distance Southerly, from said common West corner of Surveys 7 and 8 on the East line of Survey 2, Block Q5, which allows the same ratio of excess as that found in said Survey 2. The aforesaid construction allows 31.75 varas East-West excess in Survey 8 Block Q5.

Survey 117 1/2 was constructed according to its field note calls from the corner found between said Surveys 117 and 117 1/2. This is in conformity with *Stafford v. King*, supra and also with the line of decisions of Texas courts that Lost lines and corners should be located from the nearest known corners---See *Standefer v. Vaughn et al*, 219 S.W. 484 and numerous cases

cited therein.

The Southeast corner of Survey 117 1/2, I. & G.N. R.R. Co. Block 1, was located at Giraud's called distance of 1490 varas Easterly (S.89°14'00"E. - grid) from its S.W. corner and the N.W. corner of Survey 117 in said Block 1 as found on the East bank of the Pecos River. A line North (N.0°46'00"E. - grid) from said S.E. corner of Survey 117 1/2 intersects the South line of Survey 2 Block Q5 at a distance 39.20 varas short of that called for by Mr. Giraud. The South line of said Survey 2 is an Eastward (S.89°14'00"E. - grid) projection of the North line of Survey 116 and the South line of Survey 115 in said Block 1.

Thus the Northeast corner of said Survey 117 1/2, which is also the Westerly N.W. corner of Survey 9 Block Q5, is located on the South line of said Survey 2, a distance of 223.45 varas farther East from the S.W. corner of Survey 2 than indicated by the calls in E.A. Giraud's field notes. This is the result of what appears to be a measuring error of 222.45 varas in the lengthy meanders by Giraud along the Pecos River boundary of Survey 116 Block 1 plus a 1.0 vara difference along the South line of Survey 115. Said 1.0 vara is the difference in East-West position of line corner found on the North line of Survey 116 (South line of Survey 115) and position of line corner found on the North line of Survey 115. Said 222.45 varas is the exact same difference found in the relative East-West position between the line monument or corner on the North line of said Survey 116 and the original Northwest corner of Survey 117, which is also the original Southwest corner of Survey 117 1/2. That this difference must be added to Giraud's field note call distance along the North line of Survey 116 is confirmed by the distance this generates along the South line of Survey 116 and the Southerly North line of Survey 117 1/2. I found this distance to be 597.41 varas to approximate East bank of the Pecos River or 583.41 varas to point where I located Giraud's Westerly Northwest corner of Survey 117 1/2 as set forth in detail hereinabove. Giraud's field note call was 595.0 varas.

Giraud's field notes for Survey 9 Block Q5 call to begin at the Southeast corner of said Survey 117 1/2 on the North line of Survey 117, I. & G.N. R.R. Co. Block 1 and traverse North, East, North, East, South, and West to the place of beginning. The 223.45 difference in the position of the N.E. corner of Survey 117 1/2 Block 1 relative to the S.W. corner of Survey 2 Block Q5 causes the possibility of a small vacancy between the Easterly West line of Survey 9 and the East line of Survey 2 Block Q5. To avoid there being this possible vacancy one must look to the admonition of the courts in resolving ambiguities "to adopt the rules which are most consistent with the intention upon the face of the Patent, read in light of the surrounding facts and circumstances". In this instance it seems appropriate to honor the higher priority call, (adjoiner to Survey 2) and disregard the call of lesser priority (distance call due to mistake). This decreases the distance call in Survey 9 along the South line of Survey 2 by 223.45 varas and increases the distance call in Survey 9 along the South line of Survey 8 by 223.45 varas. To construct Survey 9 otherwise would result in a failure to close and cause a like failure to close in Survey 11, Block Q5.

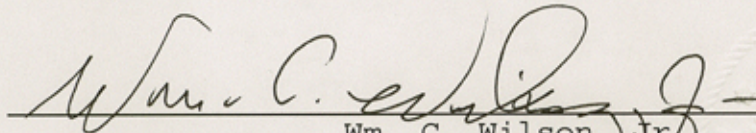
Giraud was apparently unaware of the 222.45 varas extra in his East-West distance from the line corner on the South line of Survey 115 and the North line of Survey 116, Block 1, to the S.W. corner of Survey 117 1/2 and N.W. corner of Survey 117 Block 1. This is evidenced by his East-West calls in Surveys 10, 11 and 12 being too great to fit between the Surveys West thereof and the West line of Block Q6. This East-West distance mistake results in a conflict whereby Surveys 10, 11 and 12 Block Q5 overlap Surveys in Block Q6. Since these Surveys are junior to Surveys in Block Q6, the East-West distances are found to be short of Giraud's field note calls by the amount of said conflict. The results of this are indicated on accompanying Plat which is to be identified as Val Verde County Rolled Sketch 83 in the General Land Office. As shown on said Plat the distance found along the South line of Survey 12, Block Q5, is 846.77

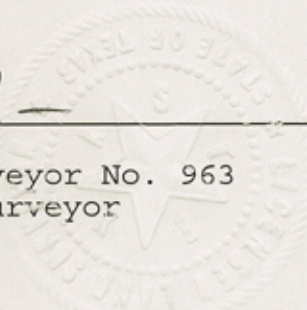
varas while Giraud's field note call is 1052.0 varas. The distance found along that part of the South line of Survey 11, Block Q5, common with the North line of said Survey 12 is 1231.77 varas where Giraud's call is 1439.0 varas. The distance found along that part of the South line of said Survey 11 common with the North line of Survey 118, Block 1, is 594.53 varas with Giraud's call being 579.0 varas. Correspondingly, the distance found along the North line of said Survey 11 and the South line of Survey 10, Block Q5, as well as the North line of said Survey 10 is 2438.30 varas while Giraud's call along each of these lines was 2630.0 varas.

It was found that Giraud's Original field notes for Survey 11 failed to close by 10 varas East-West. When said 10.0 varas is deducted from his call along that line of Survey 11 common with the North line of Survey 117, Block 1, not only does Survey 11 close but the distance recited along South lines of Survey 117 1/2, Survey 9 and said Survey 11 adds up to exactly the same as Giraud's field note call along the North line Survey 117, Block 1.

The Patents issued on Corrected field notes of Edgar Saunders and those of Conger Jones cannot prevail where they overlap Senior Surveys and Patents. Survey 10 Block Q5 was still part of the Permanent School fund when Survey 9 Block Q5 was Patented, said Survey 10 not being sold by the State until August 10, 1912. Likewise Survey 8 Block Q5 was not sold until September 20, 1911.

Surveyed on the ground March 1982 thru September 20, 1999.


Wm. C. Wilson, Jr.
Registered Professional Land Surveyor No. 963
and Licensed State Land Surveyor
San Angelo, Texas



SEE PLAT FILED IN TEXAS GENERAL LAND OFFICE AS VAL VERDE COUNTY ROLLED SKETCH 83.

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., B.S.S.

File No. Sketch File 55 A

November 9, 1999

Val Verde County

Honorable David Dewhurst, Commissioner
Texas General Land Office
1700 N. Congress
Austin, Texas 78711

Date Filed: December 9, 1999

Attention: Mr. C.B. "Ben" Thomson,
Director of Surveying

David Dewhurst, Commissioner
By Douglas Howard

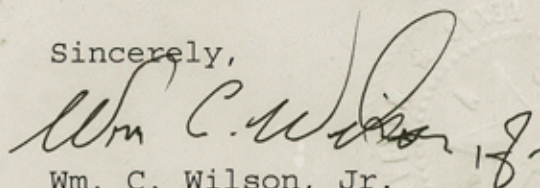
RE: Survey Plat, Report, and Corrected Field Notes Val Verde and
Crockett County, Texas

Dear Mr. Thomson:

Enclosed herewith are (1) Corrected Field Notes for Surveys 1, 2 and 7, T.C. R.R. Co., Block Q5, (2) Survey Report of Resurvey of portions of I. & G.N.G. R.R. Co. Block 1 and T.C. R.R. Co. Blocks Q5 and Q6 Crockett and Val Verde Counties, which you were kind enough to pre-assign as "Sketch File 55", Val Verde County, and (3) Plat showing resurvey of a portion of I. & G.N.R.R. Co. Block 1 and T.C. R.R. Co. Blocks Q5 and Q6 Crockett and Val Verde Counties for which you pre-assigned "Rolled Sketch 83", Val Verde County designation. Please note that on the plat in the upper right quadrant, the second note below the "Rolled Sketch 83" designation, I have marked thru the 1 after Block and written "Q5" and I struck thru I. & G.N. and wrote before it "T.C.". This last minute addition to the plat was inadvertently written wrong. I am writing a letter to Val Verde County Surveyor David Trent and to Crockett County Clerk Debbie Puckett requesting that each file said letter with the plat I filed with each of them November 8, 1999. Copy of this letter is enclosed herewith.

Mr. James D. Johnson, attorney at law, will be forwarding documents to you, requesting issuance of Deeds of Acquittance on each of said Surveys 1, 2 and 7, T.C. R.R. Co. Block Q5 on behalf of our mutual client Mayme K. Daniel.

Sincerely,



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

WCW:mlw
Enclosures

counter 39353

WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 915/653-3916 * FAX 915/655-1895
P.O. BOX 3326-ZIP 76902
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R.P.L.S., L.S.L.S.

SAN ANGELO, TEXAS 76901

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

File No. Sketch File 55 B

December 1, 1999

Val Verde

County

Honorable David Dewhurst, Commissioner
Texas General Land Office
1700 N. Congress
Austin, Texas 78711

Date Filed: December 9, 1999

Attention: Mr. C.B. "Ben" Thomson,
Director of Surveying

By David Dewhurst, Commissioner
Douglas Howard

RE: Corrected Field Notes/Val Verde and Crockett Counties.

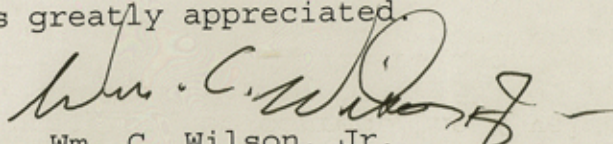
Dear Mr. Thomson:

Under cover letter dated November 9, 1999, I sent, among other records, Corrected Field Notes for T.C. R.R. Co. Survey 1, Certificate 435, Bexar Script 40530, Block Q5 located partly in Val Verde County and partly in Crockett County to you. These Corrected Field Notes were filed for record in Book 4 page 305 of the Field Note Records of Val Verde County and in Book 4 page 237 of the Field Note Records of Crockett County.

Please use this letter of Correction to correct the X value of the beginning monument from X=565008.93 varas to X=563,008.93 varas. Even with multiple proofing the 3 at the third digit was erroneously typed as 5. When reviewing these Corrected Field Notes I noticed on the second page where the signature line for Crockett County Clerk appears, I had typed "Val Verde" instead of "Crockett" on the line immediately preceding that. Please correct that too.

By copy of this letter I am asking the Val Verde County Surveyor, David Trent, and Crockett County Clerk, Debbi Puckett to also correct their files.

As always your assistance is greatly appreciated.


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

WCW:mlw
xc: Ms. Debbi Puckett
Crockett County Clerk

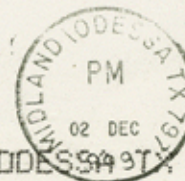
Mr. David Trent
Val Verde County Surveyor

Mayme K. Daniel
c/o James D. Johnson,
Attorney at Law

counter 39354

WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED
PROFESSIONAL LAND SURVEYORS
P.O. BOX 3326
SAN ANGELO, TEXAS 76902

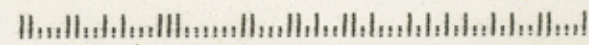


MIDLAND/ODESSA TX 797 12/02/99 21 34

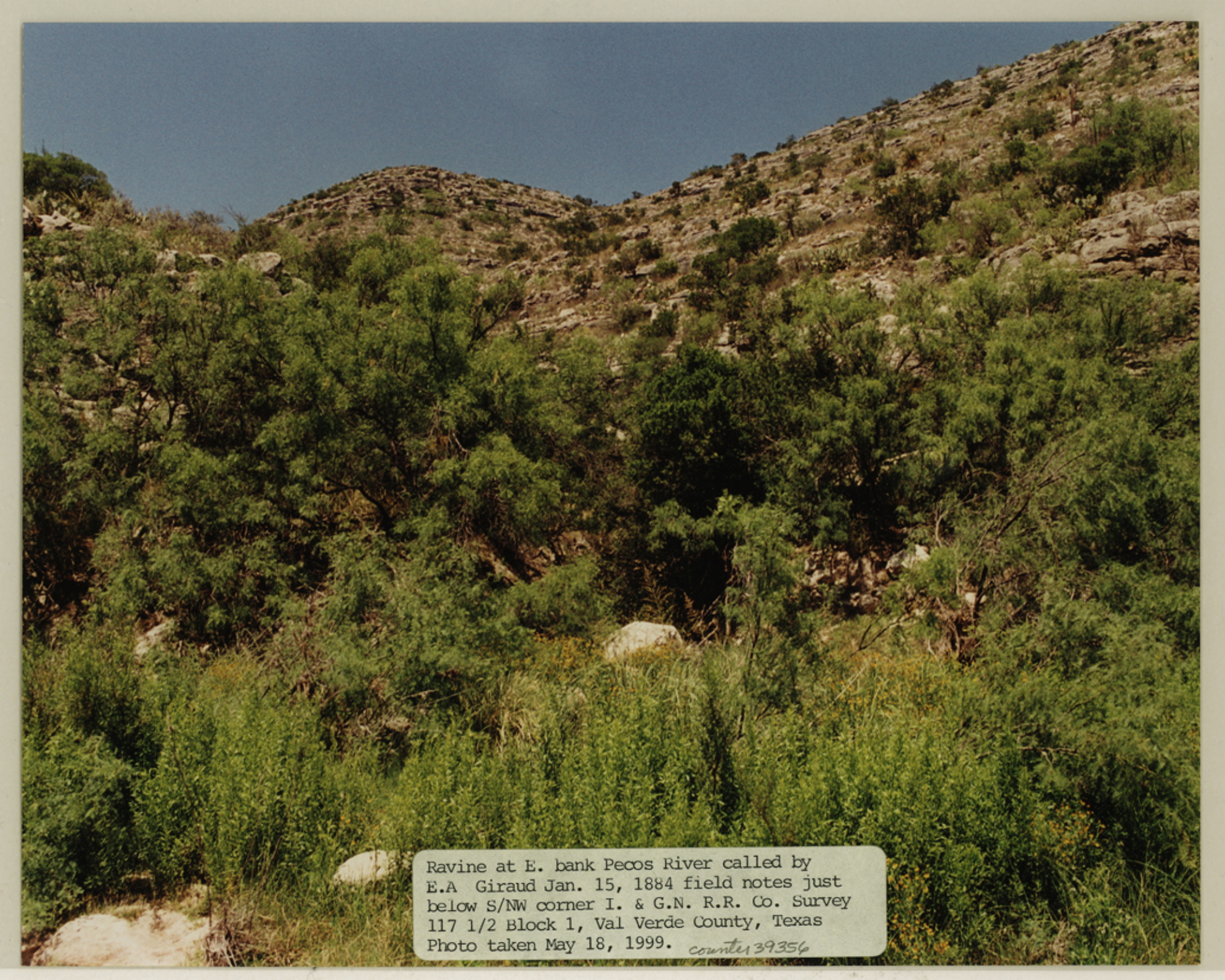
Attention: Mr. C.B. "Ben" Thomson,
Director of Surveying
Texas General Land Office
1700 N. Congress
Austin, Texas 78711



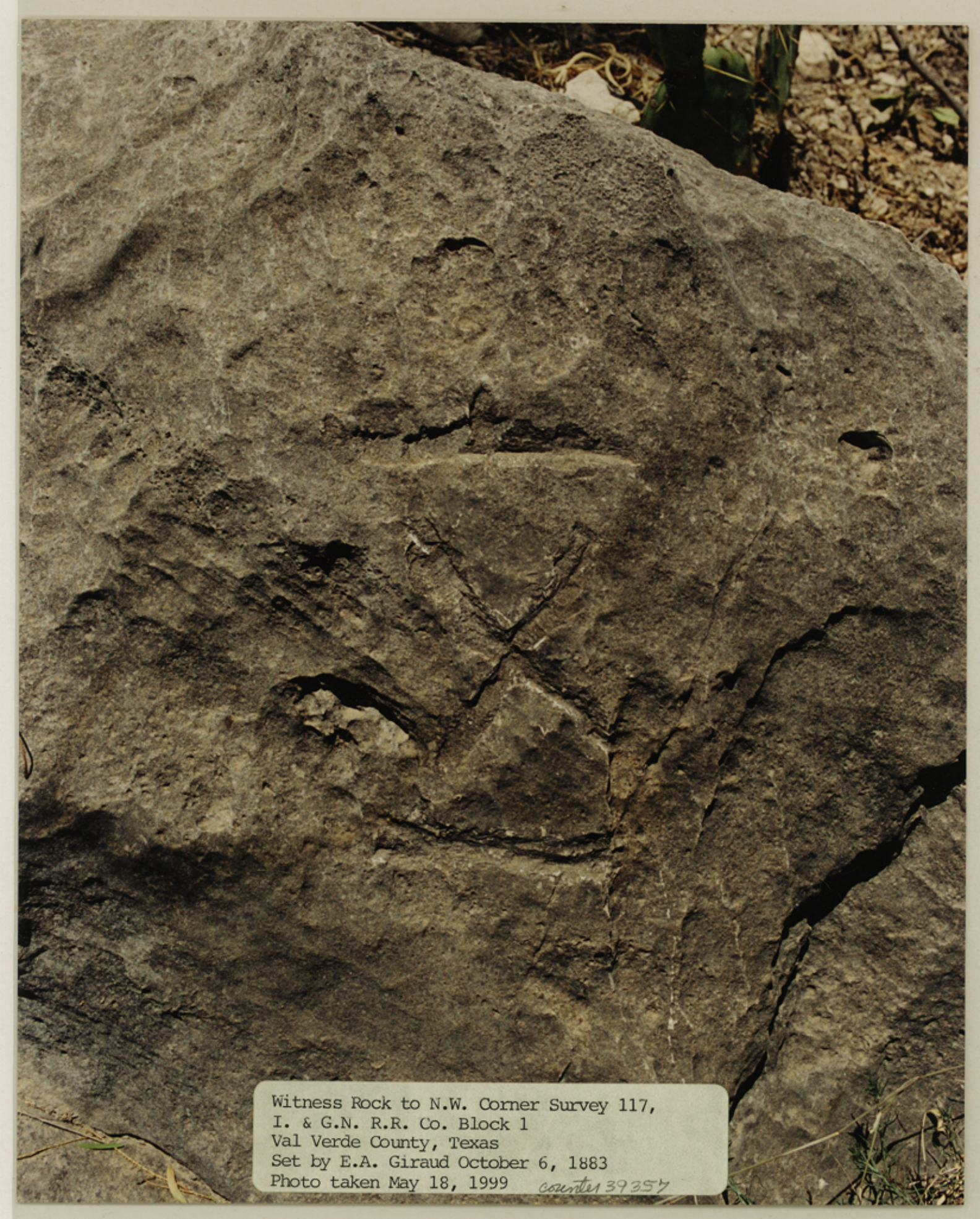
78701-1495 71



Counter 39355



Ravine at E. bank Pecos River called by
E.A Giraud Jan. 15, 1884 field notes just
below S/NW corner I. & G.N. R.R. Co. Survey
117 1/2 Block 1, Val Verde County, Texas
Photo taken May 18, 1999. *county 39356*



Witness Rock to N.W. Corner Survey 117,
I. & G.N. R.R. Co. Block 1
Val Verde County, Texas
Set by E.A. Giraud October 6, 1883
Photo taken May 18, 1999 *county 39357*

File No. Sketch File 55 C

Val Verde County

Date Filed: December 9, 1999

David Dewhurst, Commissioner
Douglas Howard

340 1005 8-08 26 176
+01+0 +0 -02 NH -0 0959