

File 27

SKETCHES.

Wichita County -

Sketch & Report by
John Donald, Licensed Surv.

- also -

Judgment Dist Court -
Wichita County -

Filed November 3rd - 1925 -

J. H. Walker, Chief Clerk
& Acting Commr.

Clerk - c

~~See Sketch 117~~
Sam^l O. Fowler Survey
- Fan-2-689 -

JOHN A. DONALD
CIVIL ENGINEER AND SURVEYOR
STATE LAND SURVEYOR

BASEMENT WAGGONER BUILDING
PHONE 2152

WICHITA FALLS, TEXAS

October 22nd, 1925.

Hon. J. T. Robison,
Commissioner of General Land Office,
Austin, Texas.

Dear Sir:

I have done considerable work in surveying the location of the S. O. Fowler Survey in Wichita County, Texas, and the surrounding surveys.

In the Seventy-eighth District Court of Wichita County, in the case of McCarty et al vs. George E. Nance et al there was a controversy as to the location of the S. O. Fowler Survey in Wichita County, Texas. Annie V. McCarty and her children owned the East one-third of the Fowler Survey, and G. E. Nance owned the West two-thirds of that survey. The survey had been fenced, and a division line between the East one-third and the West two-thirds of said survey had been made. The plaintiffs in the case of McCarty vs. Nance contended the Fowler Survey was about 371 varas too far east as fenced, and that the true survey would make the survey go 371 varas west of the fence line which enclosed the survey. I was a witness in that case and did a great deal of surveying for the parties interested therein. The judgment in that case was rendered as is shown by certified copy thereof which accompanies this certificate, and you will notice that in special issues Nos. 5 and 6 submitted to the jury that the jury are asked about the true boundary line of this survey in reference to the fences which enclosed said survey between the owners thereof, and you will notice in reply the jury found that the S. O. Fowler Survey was 371 varas more or less west of the present fence line as it now stands as the true boundary line. This judgment was not appealed from.

In my opinion the true boundary of the S. O. Fowler Survey is as found by the jury.

The "Exhibit D" referred to was prepared by me, and it has been misplaced and I herewith attach to this opinion another one on reduced scale, showing the facts as shown by "Exhibit D" and referred to in the jury's findings, which are incorporated in the copy of the judgment accompanying this certificate. You will notice the black line on "Exhibit A" hereto attached indicates a county road and fences the western part of the said Fowler Survey. The red lines

Received in G.L.O.
11/3rd - 1925 -
Clark -
Sk-attached -

Hon. J. T. Robison, #2.

JOHN A. DONALD
CIVIL ENGINEER AND SURVEYOR
STATE LAND SURVEYOR

BASEMENT WAGGONER BUILDING

PHONE 2152

WICHITA FALLS, TEXAS

shown on the plat hereto attached shows that the Fowler Survey as fenced was placed 371 varas too far East, and the red lines show it as I found it to be.

I arrived at the location of the Fowler Survey after a great deal of hard work. You will notice from the field notes in the patent to the Fowler Survey that it begins at the southeast corner of Section No. 38, and the Northeast corner of Section No. 39, H. & T. C. R. Co. The calls for Section No. 38 were for G. H. & H. R. Co. Survey, and that survey as well as G. H. & H. R. Co. Surveys Nos. 31, 32, and 37 were made by William Cloud, Deputy Surveyor of Cooke District, in 1857, and from the records I have it may be that Cloud made these surveys in 1856. At any rate, these four surveys, Nos. 31, 32, 37, and 38 were abandoned and afterwards disregarded. Survey No. 39 for H. & T. C. Ry. Co. called for was located immediately south of G. H. & H. Survey No. 38, and it has long since been abandoned and other surveys have been located thereon. G. H. & H. R. Co. Surveys Nos. 31, 32, 37, and 38 were made prior to the Civil War, and abandoned, and likewise H. & T. C. Ry. Co. Survey No. 39 was made at an early date and was abandoned, but I do not know when, so the S. O. Fowler Survey must be located in reference to the common corner of said Surveys Nos. 38 and 39 as they are important calls in the field notes of the Fowler Survey.

There is another call for Survey No. 37 in the Fowler and that makes the East line of G. H. & H. Surveys Nos. 37 and 38 the controlling calls for the location of the Fowler Survey.

I began many miles west of the East line of said Surveys Nos. 37, 38, and 39, on Sections Nos. 1 and 2 in Block No. 7, H. & T. C. Ry. Co. Surveys, and found what I regarded without doubt many of the original corners of the H. & T. C. Ry. Co. Surveys which corresponded with the G. H. & H. Ry. Co. Surveys now abandoned.

Evidently after G. H. & H. Surveys Nos. 31, 32, 37 and 38 were abandoned, Surveyor Lockett of the Young Land District located the Thomas Cook Survey No. 125, and the Thomas H. Mayes Survey No. 123. The Mayes Survey has long since been abandoned, and the Cook Survey has been patented and is shown on the plat hereto attached and marked "Exhibit A". The field notes of the Mayes Survey

Hon. J.T. Robison, #3.

call for an elm at its east southeast corner, which elm tree is still standing and identified as such corner. The Cooke Survey also called for this corner of the Mayes, making it certain as to where that corner of the Cooke Survey is located, and the Cook Survey can be located and determined by call for artificial object now standing for the Mayes Survey. The Cook Survey has been fenced on the north, west and south corresponding to that well identified corner for the Mayes Survey. There is no fence on the East line of the Cook Survey for the reason the owner owns surrounding surveys to the Cook Survey on the east.

The John M. Swisher Survey was located and patented, as shown on the plat, just east of the southeast corner of the Cook Survey. This survey as patented, in my opinion, includes part of the S. O. Fowler Survey. With the surveyors with whom I have been engaged in surveying this section there is no dispute among us as to the true west boundary line of the Fowler Survey as indicated on my plat in the red lines. The patent to the Swisher Survey calls for nothing but course and distance on its East.

Mr. G. E. Nance owns the West two-thirds of the S. O. Fowler Survey, Mr. A. C. Henson owns all of the Swisher and Eaves Surveys, and the eastern portion of the Cook Survey. Mr. Nance has conveyed all that portion of the Fowler Survey west of the public road as fenced to Mr. A. C. Henson, copy of which deed will be exhibited to you by Judge Montgomery. The Gibbs and Lewis Surveys are shown as indicated on the plat, and they were made in 1881, long after the Fowler and Cook Surveys.

Mr. A. C. Henson desires the Swisher Survey to be patented in the language of the field notes of that survey so as to call for the eastern line of the Fowler Survey. The field notes of the Swisher Survey, as shown by the records in the surveyor's office at this place, are different from the field notes in the patent in that the East corner of the Swisher Survey does not call for the Fowler Survey. In other words, the field notes of the Swisher Survey call for the west boundary line of the Fowler Survey, and the patent does not do so. I think this patent should be corrected so as to show that the east line of the Swisher is identical with the west line of the Fowler. You will understand that hereafter, subsequent surveyors may take the idea that these surveys were not contiguous, and it will result in endless confusion should these matters be adjudicated in years to come. No harm could be done in this matter because Mr. Nance owns the West two-thirds of the Fowler Survey, and Mr. Henson owns the Cook and Swisher Surveys, as well as the Eaves Survey.

Hon. J. T. Robison, #4.

Witness my official signature and seal at
Wichita Falls, Texas, this the 22nd day of October,
1925.

John A. Donald

State Land Surveyor of Texas.



Received in G. L. O.
11/3/1925 - Clark

ANNIE V. MCCARTY, ET AL)	No. 15531-B
VS)	IN THE 78TH DISTRICT COURT
G. E. NANCE, ET AL)	OF WICHITA COUNTY, TEXAS.

On this, the 3rd day of September, A. D. 1924, came on to be heard the above entitled and numbered cause, and the plaintiffs appearing in person and by and through their attorneys, announced ready for trial, and the defendants G. E. Nance, J. R. Brewer, R. C. Sanders, appearing in person and by their attorneys, as well as the Ryan Petroleum Corporation appearing by and through its attorneys, also announced ready for trial.

And thereupon a jury having been duly and legally called for was then and there duly sworn and impanelled to try the issues of fact as raised by the pleadings in said cause.

And thereafter the plaintiffs read their pleadings and the defendants read their pleadings, and thereafter the plaintiffs introduced their testimony and the defendants introduced their testimony, and thereafter on the 12th day of September, 1924, the Court, after having heard the pleadings read and the evidence offered on both sides, submitted to the jury the following charge, together with the issues therein contained.

"IN THE SEVENTY EIGHTH DISTRICT COURT
WICHITA COUNTY, TEXAS.

No. 15531)
ANNIE V. MC CARTY ET AL)
VS)
G. C. NANCE ET AL)
GENTLEMEN OF THE JURY:)

This case will be presented to you upon Special Issues and upon your answers to said Issues, the court will render such judgment as your findings of fact and the law warrant.

INSTRUCTION NO. 1.

"PEACEABLE POSSESSION" is such as is continuous and not interrupted by adverse suit to recover the land from the party in possession.

INSTRUCTION NO. 2.

"Adverse possession" is an actual and visible appropriation of the land commenced and continued under a claim of ownership in the occupant inconsistent with and hostile to the claim of another.

INSTRUCTION NO. 4.

Peaceable and adverse possession need not be continued in the same person, but when held by different persons successively, there must be a privity of estate between them, and by "privity of estate" is meant that the successive owners should acquire the title of or from the prior owner.

Now, bearing in mind the foregoing definitions, you will answer the following questions:

Special Issue No. 1.

Have the plaintiffs and those under whom they claim title, had peaceable and adverse possession of the 8.36 acres of land described in 3rd paragraph of plaintiff's amended petition, cultivating, using or enjoying the same for any period of ten years prior to the institution of this suit, Answer yes or no.

Answer:

Special Issue No. 5.

Is the fence extending north from Beaver Creek as it now stands between the Nance and McCarty lands out of the S. O. Fowler Survey on the true boundary line between said Nance and McCarty lands, Answer yes or no.

Answer:

Special Issue No. 6.

If you answer the preceding issue "yes" - you need not answer the following issue - but if you answer it "no", - Then state where the true boundary line between the Nance and McCarty land is from this fence. Answer as you find the facts to be.

Answer;

Special Issue No. 7.

Have S. H. McCarty, Jr., together with his successors in title, Annie V. McCarty, and S. H. McCarty, Sr., and the surviving children of S. H. McCarty, Sr., had peaceable and adverse possession of the 8.36 acres of land described in the 3rd paragraph of plaintiffs' amended petition, cultivating, using or enjoying the same for a period of ten years after November 20th, 1912, and prior to the filing of this suit on March 29, 1924, Answer as you find the facts to be.

Answer:

Special Issue No. 8.

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Did S.H. McCarty, Sr., and those under whom he held title, have peaceable and adverse possession of the 8.36 acres of land described in the 3rd paragraph of plaintiffs' amended petition, cultivating, using or enjoying the same for a period of ten years prior to November 1st, 1907?

Answer as you find the facts to be.
Answer:

The burden of proof is upon the plaintiff to establish the affirmative of each and all of the foregoing special issues except Issue No. 5, by a preponderance of the evidence, and if they have failed to do so as to any or all of said issues, you will answer said issue or issues in the negative.

The burden of proof is upon the plaintiffs to establish the negative of Issue No. 5 by a preponderance of the evidence, and if they have failed to do so, you will answer such issue in the affirmative.

You are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given to their testimony, but the law of the case you will receive from the court's charge and be governed thereby.

(Signed) E. W. Napier.
District Judge.

Special Issue No. 16, requested by defendants.

State whether or not S. H. McCarty, Sr., at any time between the spring of 1906 and the fall of 1907 recognized or admitted the title to the tract of land described in the 3rd paragraph of plaintiffs' amended petition was owned by A. C. Henson,
Answer:

Special Issue No. 17, requested by defendants.

At any time between November 1907, the time A. C. Henson is shown to have sold the West two-thirds of the Fowler Survey to G. E. Nance and November 20, 1912, did S. H. McCarty, Sr., recognize or admit that G. E. Nance was the owner of the land described in the 3rd paragraph of plaintiffs' amended petition,
Answer:

Special Issue No. 18, requested by defendants.

Did S. H. McCarty, Sr., while in possession of the land described in 3rd paragraph of plaintiffs' amended petition ~~was recognized by A. C. Henson~~ obtain permission from G. E. Nance to use or cultivate the said tract of land.
Answer:

Gentlemen of the Jury:

Adverse possession is an actual and visible appropriation of land commenced and continued under a claim of ownership in the occupant inconsistent with and hostile to the claim of another.

For the purposes of this case you are instructed that possession with the permission of another recognized by the one in possession as the real owner would not be adverse possession unless and until by some act of declaration the permissive use be repudiated under circumstances that would put the person formerly recognized as the owner on notice of such repudiation.

The above and foregoing special charge was submitted to the court by the defendants before the charge of the court was read to the jury, after a copy of same had been submitted to counsel for the plaintiffs and was by the court given.

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(Signed) E. W. Napier,
Trial Judge.

Respectfully submitted,
Carrigan, Montgomery, Britain, Morgan & King,
Rowland & Talbot,
Attorneys for Defendants.

Gentlemen of the Jury:

In addition to the definition of adverse possession already given you by the court, you are instructed that, for the purposes of this cause, if you find from the evidence that S. H. McCarty, Sr., held possession of and used the 8.36 acres of land in controversy by the consent or permission of the defendant Nance or A. C. Henson, or if the said McCarty admitted to the said Nance or to others that Nance or Henson was the owner of said land, in either event the possession of said S. H. McCarty, Sr., was not adverse to said Nance and Henson.

The above and foregoing special charge was submitted to the Court by the defendants before the charge of the court was read to the jury, after a copy of same had been submitted to counsel for the defendants, and was by the court given.

(Signed) E. W. Napier,
Trial Judge.

Special Issue No. 3, requested by plaintiffs:

Did S. H. McCarty, Sr., at any time before the expiration of ten years from the time he or his predecessors in title took possession of the 8.36 acres of land described in the third paragraph of the plaintiffs' amended petition, acknowledge or recognize that said land belonged to G. E. Nance or A. C. Henson,
Answer:

If you answer the foregoing issue "no", and if you answer all the defendants' specially requested issues Nos. 16, 17, or 18 "no", you need not answer the following special issues, but if you answer said special issue "yes", or answer either of the defendants' specially requested issues Nos. 16, or 18 "yes", then answer the following special issues:

Special Issue No. 4, requested by Plaintiffs.

Did the plaintiffs, or those under whom they hold title, have peaceable and adverse possession of said 8.36 acres of land, using, cultivating and enjoying the same for a period of ten years after such acknowledgment or recognition, if any,
Answer:

Special Issue No. 5, requested by plaintiffs:

Did S. H. McCarty, Sr., or those under whom he held title, have peaceable and adverse possession of said 8.36 acres of land, cultivating, using and enjoying the same for a period of ten years prior to said recognition or acknowledgment, if any,
Answer:

Requested by Bullington, Boone & Humphrey,
Attorneys for Plaintiffs.

And, thereafter the jury retired to consider of their verdict, and after due deliberation, returned into open court on September

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12th, 1924, the following answers to the issues submitted to them by the court:

To Issue No. 1, Yes

To Issue No. 5, No.

To Issue No. 6, they answered as follows:

"As per plat "D" in evidence we find the red line crossing S. O. Fowler Survey 371 varas, more or less, West of the present fence line as it now stands as the true boundary line."

To Issue No. 7, Yes.

To Issue No. 8, Yes.

To Issue No. 16,
Requested by the defendants, No.

To Issue No. 17,
Requested by the Defendants. No.

To Issue No. 18,
Requested by the Defendants No.

To Issue No. 3,
Requested by the Plaintiffs No.

(Signed) L. P. Emmert,
Foreman of the Jury.

The Court, after receiving said verdict of the jury, and after formal motion being made by the plaintiffs, on this the 22nd day of September, A. D. 1924, is of the opinion that the plaintiffs are entitled to recover of and from the defendants the title and possession, together with the funds and revenues derived from said premises by virtue of oil and gas taken therefrom, in and upon the following described land and premises, situated in Wichita County, Texas, to-wit:

8.36 acres out of the S. O. Fowler Survey, and described as follows:

Beginning at a point in the center of Beaver Creek where the division fence heretofore used by the plaintiffs and G. E. Nance as the dividing line between the East one-third (1/3) and the West two-thirds (2/3) of the S. O. Fowler Survey would strike the center of Beaver Creek if it protruded South, said distance being 2017.17 feet south, 19-42 East from the north fence line heretofore used by said plaintiffs as the north side of the S. O. Fowler Survey. Thence South 19-42 East 1803.3 feet to the center of Beaver Creek.

Thence up the center line of said Beaver Creek with its meanders as follows:

North 45-35 West 367.7 feet; North 32-24 West 306.9 feet;
North 37-43 West 132.0 feet; North 27-43 West 199.8 feet;
North 27-02 West 270.8 feet; North 17-02 West 82.6 feet;
North 7-38 East 255.7 feet; North 29-38 East 224.4 feet;
and then North 2-32 West 131.2 feet to the place of beginning.

The court is of the further opinion that the defendants, G. E. Nance and the Ryan Petroleum Corporation, have extracted from said land and premises oil and gas, some of same has been run in storage, some of same has been sold and collected for, and some of same has been sold and not collected for, which the plaintiffs are entitled to recover in the following sums:

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The plaintiffs are entitled to recover from the defendant, Ryan Petroleum Corporation, the sum of \$6,000.69, being the price received for oil sold to the White Eagle Oil & Refining Company and being for 3,000.34 barrels of oil, and that the plaintiffs are entitled to recover of and from G. E. Nance the sum of \$1561.25, being the price received by G. E. Nance for 693.89 barrels of oil produced from said premises and sold to The Texas Company.

The Court is of the opinion that the plaintiffs are entitled to recover from the defendants, the Ryan Petroleum Corporation and G. E. Nance, the sum of \$13,529.66, the value of 6053.88 barrels of oil sold to the Prairie Oil & Gas Company, that is, seven-eighths thereof from the defendant, Ryan Petroleum Corporation, and one-eighth from the defendant, G. E. Nance.

The court is of the further opinion that the plaintiffs are entitled to recover the title and possession of 2781.45 barrels of oil now in storage with The Texas Company to the credit of the Ryan Petroleum Corporation, and 132.08 barrels of oil now in storage with The Texas Company to the credit of G. E. Nance.

The court is of the further opinion that the plaintiffs are entitled to recover the title and possession of 17,433.75 barrels of oil now in storage with the Griswold Oil Corporation, to the credit of the Ryan Petroleum Corporation, and the Court is of the opinion that the plaintiffs are entitled to recover the title and possession of 2490.53 barrels of oil now in storage with the Griswold Oil Corporation to the credit of the defendant, G. E. Nance.

The court is of the further opinion that the plaintiffs are entitled to recover of and from the defendants, G. E. Nance, and the Ryan Petroleum Corporation all of the oil taken from said premises since the 31st day of August, A. D. 1924, which is now in storage with the Griswold Oil Corporation to the credit of G. E. Nance and the Ryan Petroleum Corporation, seven-eighths thereof from the Ryan Petroleum Corporation and one-eighth from G. E. Nance, the court being of the opinion that all of the oil heretofore mentioned, as well as the proceeds heretofore mentioned derived from said oil by G. E. Nance and the Ryan Petroleum Corporation, is oil and the proceeds derived therefrom, obtained from the 8.36 acres above described prior to September 1st, A. D. 1924.

The court is of the further opinion that the plaintiffs are not entitled to recover any of the land out of the east one-third of the S. O. Fowler Survey lying west of the 8.36 acres of land above described, and also the division fence established and now existing between the Nance lands on the West and the plaintiffs' and J. A. Seay's lands on the east out of the said S. O. Fowler Survey.

The court is of the further opinion that the defendants are not entitled to any sum for improvements in good faith in this cause.

It is, therefore, ordered, adjudged and decreed by the court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, A. T. McCarty, Leta McCarty Warren joined by her husband, W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, Minnie McCarty and Russell McCarty, do have and recover of and from the defendants, G. E. Nance, J. R. Brewer, R. C. Sanders, and Ryan Petroleum Corporation, the title and possession of the following described tract of land, to-wit:

Beginning at a point in the center of Beaver Creek where the division fence heretofore used by the plaintiffs and G. E. Nance as the dividing line between the east one-third and the west two-thirds of the S. O. Fowler Survey would strike the center of Beaver Creek, if it protruded south, same distance being 2017.17 feet south 19-42 east from the north fence line heretofore used by said plaintiffs as the north side of the S. O. Fowler Survey.

Thence South 19-42 East 1803.3 feet to the center of Beaver Creek.

Thence up the center line of said Beaver Creek with its meanders as follows:

North 45-36 West 367.7 feet;	North 32-24 West 306.9 feet;
North 37-43 West 132.0 feet;	North 27-43 West 199.8 feet;
North 27-02 West 270.8 feet;	North 17-02 West 82.6 feet;
North 7-38 East 255.7 feet;	North 29-38 East 224.4 feet;

and thence north 2-32 West 131.2 feet to the place of beginning.

And that they have their writ of possession for said land.

It is further ordered, adjudged and decreed by the court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor; Bonner McCarty, a minor; Geneva McCarty, a minor; Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren joined by her husband, W. A. Warren, Ethel McCarty Minnick joined by her husband, C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole, and Russell McCarty, do have and recover of and from the defendant, G. E. Nance, a judgment for the sum of \$1561.25, together with six per cent. interest thereon from date, together with all costs in this behalf incurred.

It is further ordered, adjudged and decreed by the court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren, joined by her husband, W. A. Warren, Ethel McCarty Minnick joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole, and Russell McCarty, do have and recover of and from the defendant, Ryan Petroleum Corporation, judgment in the sum of \$6,000.68, together with six per cent. interest thereon from date together with all costs in this behalf incurred.

It is further ordered, adjudged and decreed by the court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren joined by her husband, W. A. Warren, Ethel

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McCarty Minnick, joined by her husband, C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole Minnie McCarty, a feme sole and Russell McCarty, do have and recover of and from the defendant, Ryan Petroleum Corporation, the title and possession of 2,781,45 barrels of oil now in storage with The Texas Company to the credit of the Ryan Petroleum Corporation, and the title and possession of 17,433,75 barrels of oil now in storage with the Griswold Oil Corporation to the credit of the Ryan Petroleum Corporation.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estates of herself and her deceased husband, S. H. McCarty, and as guardian of the estate of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren, joined by her husband W. A. Warren, Ethel McCarty Minnick, joined by her husband, C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole and Russell McCarty, do have and recover of and from the defendant G. E. Nance, the title and possession of 132.08 barrels of oil now in storage with the Texas Company and 2,490.53 barrels of oil now in storage with The Griswold Oil Corporation to the credit of G. E. Nance.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren joined by her husband W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr. May McCarty, a feme sole Minnie McCarty, a feme sole and Russell McCarty, do have and recover of and from the Ryan Petroleum Corporation, and additional judgment for the sum of \$11,838.46, being the proceeds of 5,277.15 barrels of oil sold by the said Ryan Petroleum Corporation to the Prairie Oil & Gas Company, together with six per cent interest thereon from date, together with all costs in this behalf incurred.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren, joined by her husband W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole, and Russell McCarty, have an additional judgment against the defendant, G. E. Nance, for the sum of \$1,691.20, being the price of 756.73 barrels of oil sold by the said G. E. Nance to the Prairie Oil & Gas Company, together with six per cent interest thereon from date, together with all costs in this behalf incurred.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, a widow individually and as surviving community administratrix of the estate of herself and her deceased husband S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole A. T. McCarty, Leta McCarty Warren, joined by her husband W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole, and Russell McCarty, do have and recover of and from the defendants, G. E. Nance and the Ryan Petroleum Corporation, the title and possession of all oil also run and taken from the above described tract of land since

August 31st, A. D. 1924, wherever the same may be located.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty, Warren joined by her husband W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty a feme sole, and Russell McCarty, do have and recover their costs incurred in this lawsuit of and from the defendants, G. E. Nance, J.R. Brewer, R. C. Sanders and the Ryan Petroleum Corporation, for all of which execution may issue, both for costs herein incurred as well as for the money judgments heretofore mentioned, and that writ of possession and restitution issue in favor of the plaintiffs for the land and premises in controversy, together with the title and possession of the oil in storage as heretofore mentioned.

It is further ordered, adjudged and decreed by the Court that the value of the oil now in storage, which has not been sold, for which the plaintiffs are hereby given judgment is hereby valued at \$1.25 per barrel for the purpose of giving a value to said oil to enable the defendants to give supercedeas bond.

It is further ordered, adjudged and decreed by the Court that the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren, joined by her husband, W. A. Warren, Ethel McCarty Minnick, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole, and Russell McCarty, take nothing by reason of their suit against the defendants, R. C. Sanders, J. R. Brewer, G. E. Nance and Ryan Petroleum Corporation on account of the lands out of the East one-third of the S. O. Fowler Survey lying West of the 8.36 acres of land above described and the division fences now established and existing between the G. E. Nance tract of land on the West and plaintiffs' and J. A. Seay's lands on the East out of the S. O. Fowler Survey and that the title to said lands out of the S. O. Fowler Survey lying West of the line hereinabove described be decreed to be in the defendants.

It is further ordered, adjudged and decreed by the Court that the defendant, Ryan Petroleum Corporation, take nothing against the plaintiffs, Annie V. McCarty, individually and as surviving community administratrix of the estate of herself and her deceased husband, S. H. McCarty, and as guardian of the estates of William McCarty, a minor, Bonner McCarty, a minor, and Geneva McCarty, a minor, Nora V. McCarty, a feme sole, A. T. McCarty, Leta McCarty Warren, joined by her husband C. J. (Charlie) Minnick, S. H. McCarty, Jr., May McCarty, a feme sole, Minnie McCarty, a feme sole and Russell McCarty, by reason of its claim for improvements on said 8.36 acre tract of land herein awarded to the plaintiffs.

Judge.

O.K. EWN.

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Wichita County
Deputy District Clerk
Wichita Falls, Texas
October 22, 1925

County 40128

THE STATE OF TEXAS |
 |
COUNTY OF WICHITA |

I, A. F. Kerr, Clerk of the District Court in and for Wichita County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Judgment rendered in the case of Annie V. McCarty, et al vs G. E. Mance, et al, No. 15531-B, as the same appears from the Minutes of the 78th District Court in Volume 4 page 101 of this office.

Given under my hand and seal of said Court at office in Wichita Falls, Texas, this the 22nd day of October A.D. 1925.

A. F. Kerr, Dist. Clerk,
Wichita County, Texas,
By *Emmie Jackson* Deputy.

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Wichita County -

Judgment District Court -

Filed November 3rd -
1925 -

J. H. Walter, Chief Clerk
& Acting Court Clerk -

THE STATE OF TEXAS
COUNTY OF WICHITA

I, A. E. Ferr, Clerk of the District Court

do hereby certify that the above and foregoing is a true and correct copy in and for Wichita County, Texas.

et al vs C. E. Rance, et al. No. 1000-B. In the same

Volume 4 page 101 of this office.

Given under my hand and seal of said Court

at office in Wichita Falls, Texas, this 23rd day of

October A.D. 1925.

A. E. Ferr, Dist. Clerk,

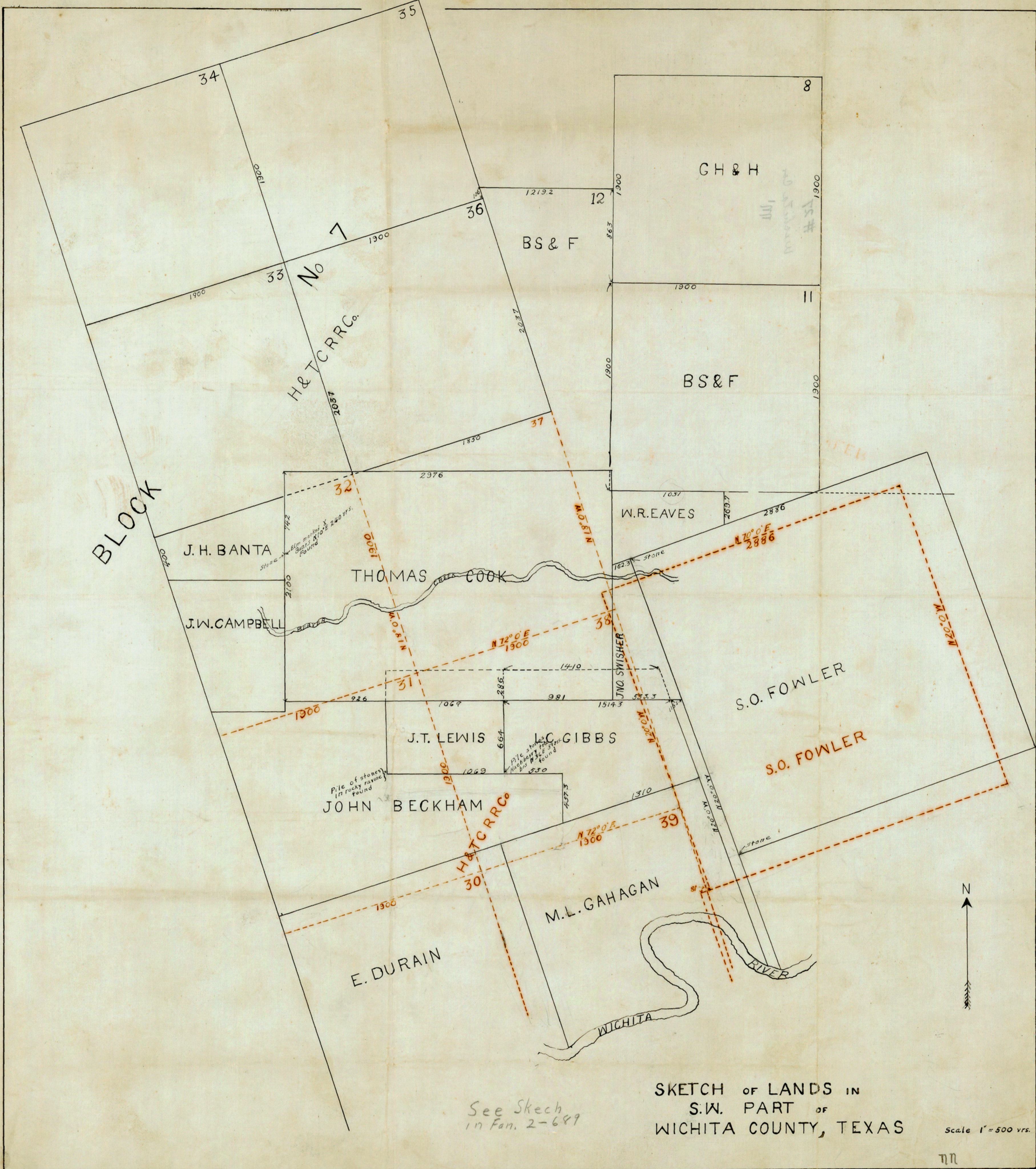
Wichita County, Texas.

E. L. Ferr Deputy.

\$ 5.50

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BLOCK

See Sketch
in Fan. 2-689

SKETCH OF LANDS IN
S.W. PART OF
WICHITA COUNTY, TEXAS

Scale 1" = 500 vrs.

111

COMPTON 1888