

LA SALLE COUNTY
ROLLED SKETCH NO. 21

CAUSE NO. 3376
LA SALLE COUNTY DISTRICT COURT
S.F.-14828
Map and Correspondence

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W.W. ALDERMAN

V.

EZRA F. ALDERMAN

IN THE DISTRICT COURT

OF

LA SALLE COUNTY, TEXAS

TO: The Honorable H.D. Barrow, Judge of the 81st Judicial District:
SIR:

Pursuant to agreement entered into between Plaintiff and Defendant in above numbered cause, the three surveyors named in said cause, namely, C.A. Douglas, D.W. Cobb, and Frank J. Schorp, all being Licensed State Land surveyors, did on September 26, 1955, meet upon the ground and commence the surveying necessary to delineate the boundary line between the lands of the plaintiff and the lands of the defendant in LaSalle County, Texas.

The necessary work has been completed, and we, C.A. Douglas and Frank J. Schorp, forming the majority opinion of the three named surveyors, beg to report as follows:

T.& N.O. R.R.Co. Survey 16, and T.& N.O.R.R.Co. Survey 15 were surveyed by Jacob Kuechler, Deputy Surveyor of Nueces Land District, on November 23, 1874 and are the senior surveys in the area. On April 23, 1879, John Dix surveyed C.& M. Survey 701, and also filed a report of his findings on the north, east and south lines of Survey 16. John J. Dix, a Deputy Surveyor of the Nueces Land District found Kuechler's witness trees for the NE corner of Survey 16, this being an interior corner of Sur. 701. At the SW corner of Survey 701 and SE corner of B.W. Wheeler Sur. 10, Dix calls for a 20" mesquite S 84 1/2 W 42 1/2 varas, this corner being 503 (500 call) varas west of the NE corner of Survey 16. John N. Daniel, County Surveyor of LaSalle County, also found the NE corner of Sur. 16 in 1903, his distance from the SW corner of Sur. 701, and NE corner of Sur. 16, being 502 varas. A.L. Curtis County Surveyor of Frio County, resurveyed the north part of

Survey 16, August 18, 1905, and found the NE corner of Survey 16 and found a 20" mesquite stump S $84\frac{1}{2}$ W $42\frac{1}{2}$ varas from the SW corner of Sur. 701, his distance on this line of Sur. 701, being 503 vrs. From old deed corners of a small tract located in the Southeast part of Sur. 10, that dates back to approximately 1905, and whose witness trees are still standing with marks plainly visible; we were able to relocate the upper SW corner of Sur. 701, being common with the SE corner of Sur. 10, from which we found a mesquite stump 20" diameter to bear S $84\frac{1}{2}$ W $42\frac{1}{2}$ varas.

From this corner we went east 503 varas to relocate the NE corner of Sur. 16. From the NE corner of Sur. 16, we ran south, at 73.2 varas passed a fence corner and continued with fence on same course a total distance of 1893 varas, this being the sum of the east lines of the N part of Sur. 16, as resurveyed by Curtis, and the S part of Sur. 16, as resurveyed by Daniel. This closely checks Dix's work in 1879 in this area. Both Dix and Daniel found Kuechler's original witnesses at the SE corner of Sur. 16.

From the SE corner of Sur. 16, we ran S 89 deg. 56' W at 1868 varas intersected an old marked line coming from the north, for the SW corner of Sur. 16, and the SE corner of Sur. 15, which checks Dix & Daniel work within 13 varas and 5 varas respectively. The south line of Survey 16 is undisputed, and coincides with the north line of Survey 300, Atascosa County School Land, as resurveyed by Mr. D.W. Cobb.

From the SE corner of Sur. 15, we continued on the same course, S 89 deg. 56' W, at 56.8 crossed the center line of railroad, which checks Daniel's work within 1.8 vrs. Continuing on same course and following an old marked line at 1449 varas cross east bank of creek and at 1775.6 vrs. intersect fence for the NE corner of Sur. 17, SE corner of Sur. 18, the northerly NW corner of Sur. 300, and the SW corner of Sur. 15. The subtractive distance on this creek checks Kuechler within 13 varas.

We went S 00 deg. 31' W along fence on the east line of Sur. 17 and a west line of Sur. 300, this line being undisputed, 2418.0 varas to its corner for the SE corner of Sur. 17 and an interior corner of Sur. 300. Daniel's survey, made in 1903 can be retraced to this corner, at which point he states that he found the original bearing trees.

From the southeast corner of Survey 17, we went S 89 deg. 45' W along fence and south line of Survey 17 crossing a branch at 196 varas crossing another creek at 414 varas and reaching a fence corner at 1859 varas for the NE corner of T. & N.O. Survey 21, and the lower NW corner of Sur. 300. The two creek crossings check Kuechler's original calls within 4 to 6 varas and also check Daniel's resurvey.

From the NE corner of Survey 21, Daniel, reporting that he had found the original Kuechler witness trees, made a connection tie to a corner of the old Atascosa pasture, which was witnessed by a mesquite marked $\overset{=}{\underset{=}{A}}$ on the northeast side and $\overset{=}{\underset{=}{B}}$ on the north side bearing S 43 W 9.4 varas. We found this tree down, but with marks plainly visible (Mr. Schorp found it standing in 1948), and found same to be in the exact position relative to the fence corner, at the NE corner of Sur. 21, as shown in said Daniel survey.

From the NE corner of Sur. 21, we went S 00 deg. 35' W along fence on the east line of Survey 21 and west line of Survey 300, 2112 varas to a stone and iron pipe for the original SE corner of Sur. 21 and NE corner of Sur. 22. From this corner a mesquite with very old marks $\overset{=}{\underset{=}{X}}$ bears S 75 deg. E 102 varas. The length of the east line of Sur. 21 checks Daniel's work within 7 varas.

From the original southeast corner of Survey 21 to the undisputed original south line of Survey 16, we find an excess of 458 varas, north and south, in Kuechler's calls. As all the work was done by Kuechler within a span of 3 days, and all surveys call for common corners and adjoinders, the possibility of a vacancy is eliminated. Kuechler's total call in a north and south direction

between south line of Survey 21 and south line of Survey 16, is the sum of 2172 (call for east line of Survey 17) and 1900 (call for east line of Survey 21) or 4072 varas. Percentagewise, Survey 21 has 46.66% of this total and Survey 17 has the balance, or 53.34%. The actual distance is 4530 varas; 46.66% of this is 2113.7 varas and 53.34% is 2416.3 varas. Distributing this excess pro rata places the south line of Survey 17 and north line of Survey 21 within 1.7 varas of its position if located according to Kuechler's creek calls or if located according to Daniel's court survey, and fits the fence on the south line of Sur. 17.

From the NE corner of Sur. 21, we went S 89 deg. 56' W along the north line of said Sur. 21, A.B. & M. Sur. 111, and E.W. Alderman Survey 114, being also the south lines of Wm. Alexander Sur. 19, A. Salinas Sur. 112, and E.W. Alderman 146, and W.W. Alderman Sur. 148½, as per resurvey by the undersigned in connection with this work, a total distance of 5851.7 varas and set a mesquite stake for the NW cor. of said Sur. 114 and SW cor. of said Sur. 148½ as resurveyed. This stake is located 9.5 varas west and 2 varas south of Albert Eardley's relocation of the said NW corner of Sur. 114, in his survey of the Day Land & Cattle Co. Sur. 5, made in 1891, and witnessed by a double mesquite, one prong marked \equiv (very old) bearing S 57½ W 22.6 varas and a mesquite snag bearing N 25 E 8.4 varas. This line follows a very old marked line as verified by two marked line trees, one at 2134.6 varas marked \equiv (marks very old) and one at 4931 varas marked \equiv (marks very old). We set approximately 15 line stakes on this line.

The mesquite stake set at the NW corner of Sur. 114 is located N 00 deg. 14½' W 3945.6 varas from the original SW corner of A.C.H. & B. Survey 113.

We made an extensive and thorough search for marked trees and line markings at the points contended by Mr. Cobb to be the NE corner of Sur. 21 and the SE corner of Sur. 17 and found no indication of same. From the point contended by Mr. Cobb to be the SE corner of Survey 17, we ran west and crossed a small

drain at 60 varas, a small creek at 107 varas, and small drain at 288 and 325 varas, none of which check with Kuechler's calls.

Upon the basis of the above we find, locate and define the common boundary line between plaintiff's lands and defendant's lands as set forth in paragraphs 1 and 2 of the agreement of said parties pursuant to which this survey was made as follows:

Beginning at a fence corner the northeast corner of T.&N.O. Sur. 21, located N 00 deg. 35' E 2112 vrs. from the original southeast corner of said survey as above identified;

Thence S 89-56 W 5851.7 vrs. to the NW corner of E.W.Alderman Sur. 114, set a mesquite stake with bearings as above found.

We further find that the W.W. Alderman Sur. 148 $\frac{1}{2}$, patented on July 29, 1947, as described in such patent, overlaps the senior surveys 114 and 111 south of the above line by approximately 54.6 acres. Attached hereto are corrected field notes of W.W. Alderman Survey 148 $\frac{1}{2}$.

This report is based upon work done by us upon the ground and records we have examined from the following offices: (1) General Land Office of Texas; (2) District Clerk of LaSalle County, Texas; (3) County Clerk of LaSalle County, Texas; and (4) County Surveyor's Records of LaSalle County, Texas.

The attached plat is made a part of this report. Immediately below the name of each survey appears the name of the surveyor upon whose work the respective patents were issued, and to the right of such name, the date he surveyed the same and lastly the date of the respective patents. An exception is the W.W. Alderman Sur. 148 $\frac{1}{2}$, which is shown on said map as resurveyed by the undersigned.

Signed Nov. 11, 1955.

Respectfully submitted,

C. A. Douglas
C.A. Douglas
Licensed State Land Surveyor

Frank J. Schorp
Frank J. Schorp
Licensed State Land Surveyor



STATE OF TEXAS) No. 148³/₈
) GRANTEE W.W. Alderman
 COUNTY) BLK. _____
 OF) CERT. _____
La Salle) TSP. _____

Corrected
 FIELD NOTES OF A SURVEY OF 334.59
 ACRES OF LAND MADE FOR W.W. Alderman
 BY VIRTUE OF HIS OWNERSHIP.

SAID LAND IS SITUATED IN La Salle
 COUNTY, ABOUT 16 MILES
S. 34° W. FROM Cotulla,
 THE COUNTY SEAT,

AND IS DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: Beginning at a stake at the S.E. corner of A. Salinas 148, same being S 89° 56' W 53 varas and S 00° 04' E 589 varas from a corner of E.W. Alderman Survey 146 same being accepted as the S.E. corner of Survey 145, from whence a mesquite dead and down marked V bears S 58¹/₂ W 14 varas, and a mesquite stump hole bears S 56¹/₂ E 22¹/₂ varas; THENCE S 89° 56' W with the south boundary line of Survey 148, 2479.8 varas to an interior corner of said Survey 148 and the NW corner hereof; THENCE S 00° 14' 30" E with the lower east line of Survey 148 passing the lower southeast corner of said Survey 148 and a corner of Day Land & Cattle Co. Survey 5 and with the line of said Survey 5 at 762.1 to a mesquite stake set at the NW corner of E.W. Alderman Survey 114 for the SW corner hereof; THENCE N 89° 56' E with the north line of Survey 114, an old marked line, passing its NE corner and the NW corner of A.B. & M. Survey 111, and with the north line of Survey 111, 2477.5 varas to the southwest corner of said Survey 146 and the southeast corner hereof; THENCE N 00° 04' W with the west line of Survey 146, 762.1 varas to the place of beginning.

I, Frank J. Schorp, Licensed State Land Surveyor of Frio County, Texas, do hereby certify that the foregoing Survey was made by me on the ground, according to law, on the date and with the chain carriers aforesaid, duly qualified, and that the Limits, Corners, and Boundaries with the Marks of the same, natural and artificial, are truly and correctly described and set forth in the foregoing Plat and Field Notes, just as I found them on the ground.

Frank J. Schorp
 Licensed State Land Surveyor

VARIATION 10° 15' E
 SURVEYED November 11, 1955

TO THE PLACE OF BEGINNING.
George Valadez
Antonio Vidaurri

I, C.A. Douglas LICENSED STATE LAND ~~SURVEYOR~~ SURVEYOR OF Webb COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE BY ME ON THE GROUND, ACCORDING TO LAW, ON THE DATE AND WITH THE CHAIN CARRIERS AFORESAID, DULY QUALIFIED, AND THAT THE LIMITS, CORNERS, AND BOUNDARIES WITH THE MARKS OF THE SAME, NATURAL AND ARTIFICIAL, ARE TRULY AND CORRECTLY DESCRIBED AND SET FORTH IN THE FOREGOING PLAT AND FIELD NOTES, JUST AS I FOUND THEM ON THE GROUND.

C.A. Douglas
 LICENSED STATE LAND SURVEYOR--
~~XXXXXXXXXXXX~~

FILED FOR RECORD IN MY OFFICE, THE _____ DAY OF _____, 19____, AT _____ O'CLOCK _____ M, AND DULY RECORDED THE _____ DAY OF _____, 19____, IN BOOK _____, PAGE _____ OF THE FIELD NOTE RECORDS OF _____ COUNTY, TEXAS.

COUNTY SURVEYOR--COUNTY CLERK

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LA SALLE COUNTY SKETCH

ALDERMAN VS. ALDERMAN
CAUSE NO. 3376
81st. DISTRICT COURT
LA SALLE COUNTY, TEXAS
Scale 1" = 400 Vs.

Prepared by: C. A. Douglas
Licensed State Land Surveyor
+
Frank J. Schorp
Licensed State Land Surveyor



State of Texas:
County of La Salle:
We, C. A. Douglas & Frank J. Schorp, Licensed State Land Surveyors, do hereby certify that the above plat was prepared in part from an actual survey made by us on the ground, fully described in a written report and made a part hereof, and from field notes of record, recorded in the General Land Office, Austin, Texas and courthouse, La Salle County, Texas, and that it truly describes said work as it was done on the ground.
Completed November 11, 1965.

C. A. Douglas
Licensed State Land Surveyor
Frank J. Schorp
Licensed State Land Surveyor

No. 3376

W. W. ALDERMAN

VS

EZRA F. ALDERMAN

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IN THE DISTRICT COURT

LaSALLE COUNTY, TEXAS

81ST JUDICIAL DISTRICT

On this, the 19th day of November, A. D. 1955, in the above entitled and numbered Cause, wherein W. W. ALDERMAN is Plaintiff and Cross-Defendant, EZRA F. ALDERMAN is Defendant and Cross-Plaintiff, and the STATE OF TEXAS is Cross-Defendant, came on to be considered the report of C. A. DOUGLAS and FRANK J. SCHORP, Surveyors, filed herein on the 18th day of November, A. D. 1955, pursuant to an agreement entered into by and between the Plaintiff, W. W. ALDERMAN and the Defendant, EZRA F. ALDERMAN, with the approval of the Commissioner of the General Land Office of Texas and the Attorney General of the State of Texas, which said agreement is dated on the 3rd day of September, 1951, and filed in this Cause. At such time came the Plaintiff and Cross-Defendant, W. W. ALDERMAN, and urged his Motion for continuance of the hearing of his Motion to vacate said agreement of said parties filed herein and the hearing on Defendant's Application for a permanent writ of injunction, and the Court being of the Opinion that said Motion for continuance of said hearing on Plaintiff's Motion to vacate said agreement sets out no good or reasonable grounds for such continuance and that no permanent injunction is being sought in this case by Defendant, said Motion is overruled, to which action of the Court the Plaintiff in open Court excepted.

Thereupon, upon the same date, Plaintiff presented and urged his first amended motion to vacate the agreement entered into between Plaintiff and Defendant and filed herein as aforesaid, and the Court having considered the same and being of the opinion that the same, as a matter of law, alleges no grounds for setting aside or vacating said agreement, said Motion is overruled, to which action of the Court the Plaintiff in open Court excepted.

Thereupon, upon the same date, Plaintiff presented and urged his second amended motion to vacate the agreement entered into between Plaintiff and Defendant and filed herein as aforesaid, and the Court having considered the

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same and being of the opinion that the same, as a matter of law, alleges no grounds for setting aside or vacating said agreement, said Motion is overruled, to which action of the Court the Plaintiff in open Court excepted.

Thereupon, upon the same date, the Defendant and Cross-Plaintiff, EZRA F. ALDERMAN, moved the Court that Judgment be entered herein in accordance with the agreement of said parties hereinabove referred to, a copy of which is annexed hereto, marked "Exhibit A" and made a part hereof, and in conformity with the report of the Surveyors aforesaid, a copy of which said report is annexed hereto, marked "Exhibit B" and made a part of this Judgment; and the Court being of the opinion that said Motion should be granted and that final Judgment should be entered in accordance with the agreement of said parties and the report of said Surveyors above referred to:

It is accordingly ORDERED, ADJUDGED and DECREED that the true boundary line between the following lands of the Plaintiff, W. W. ALDERMAN, located in LaSalle County, Texas, to-wit:

W. Alexander Survey No. 19, Abstract No. 7; A. Salinas Survey No. 112, Abstract No. 1269; E. W. Alderman Survey No. 146, Abstract No. 1686; and W. W. Alderman Survey No. 148 $\frac{1}{2}$, patented on July 29, 1947, by Patent No. 59, Volume 4B, recorded in Volume 4 of the Patent Records of LaSalle County, Texas, at Page 47 thereof;

and the following lands of the Defendant, EZRA F. ALDERMAN, located in LaSalle County, Texas, to-wit:

T. & N. O. RR Survey No. 21, Abstract No. 687; A. B. & M. Survey No. 111, Abstract No. 34; and the E. W. Alderman Survey No. 114, Abstract 1621;

be and the same is hereby established and described as follows:

BEGINNING at a fence corner the Northeast corner of T. & N. O. Survey No. 21, located N 00° 35' E. 2112 vrs. from the original Southeast corner of said Survey, said original Southeast corner of said Survey being at a stone and iron pipe from which a mesquite with very old marks = x bears S. 75 E. 102 varas; =

THENCE South 89 56 West 5851.7 vrs. to the Northwest corner of the E. W. Alderman Survey No. 114 a mesquite stake, which stake and corner is located 9.5 varas West and 2 varas South of Albert Bardley's relocation of the NW Corner of said Survey No. 114 in his survey of the Day Land & Cattle Company Survey 5, made in 1891, and witnessed by a double mesquite, one prong marked $\begin{matrix} = \\ x \\ = \end{matrix}$ (very old) bearing S. $57\frac{1}{2}$ W. 22.6 varas and a mesquite snag bearing N. 25 E. 8.4 varas.

It is further ORDERED, ADJUDGED and DECREED that said common boundary line between the Plaintiff's land above described and the Defendant's land above described is hereby established and adjudged to be a part of the South boundary line of the W. Alexander Survey No. 19, Abstract No. 7, and all of the South or most Southern South boundary line of the A. Salinas Survey No. 112, Abstract No. 1269, the E. W. Alderman Survey No. 146, Abstract No. 1686, and the W. W. Alderman Survey No. $148\frac{1}{2}$ as described in the resurvey thereof by C. A. DOUGLAS and FRANK J. SCHORP, a copy of which said description is included in Exhibit B hereunto annexed, and is hereby established and adjudged to be the North boundary line of the T. & N. O. Survey No. 21, Abstract No. 687, the A. B. & M. Survey No. 111, Abstract No. 34, and the E. W. Alderman Survey No. 114, Abstract No. 1621.

It is further ORDERED, ADJUDGED and DECREED that the Plaintiff, W. W. ALDERMAN, be, and he is hereby, vested with title as against the Defendant, EZRA F. ALDERMAN, to the lands of the said W. W. ALDERMAN hereinabove described and lying North of the common boundary as herein fixed and determined, and the Defendant, EZRA F. ALDERMAN, be, and he is hereby, vested with title as against the Plaintiff, W. W. ALDERMAN, as to the lands of the said EZRA F. ALDERMAN hereinabove described and lying South of the common boundary as herein fixed and determined.

It is further ORDERED, ADJUDGED and DECREED that all clouds cast on the title of Defendant, EZRA F. ALDERMAN, to the E. W. Alderman Survey No. 114 and the A. B. & M. Survey No. 111 by virtue of the overlap on said Senior Surveys of a portion of the W. W. Alderman Survey No. $148\frac{1}{2}$ as described in the

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Patent thereto dated July 29, 1947, recorded in Volume 4 of the Patent Records of LaSalle County, Texas, and by virtue of the reservation by the STATE OF TEXAS of a royalty interest in and to the Oil, Gas and Mineral Estate in and under said Survey No. 148 $\frac{1}{2}$, be, and the same is hereby, removed and that the common boundaries between said Surveys be as the same are hereinabove adjudged.

It is further ORDERED, ADJUDGED and DECREED that the costs of moving the boundary fence between the Plaintiff and Defendant to the true common boundary line as hereinabove fixed and defined, be borne by said parties equally as provided in Paragraph 6 of Exhibit A, and that the fee of C. A. DOUGLAS shall likewise be borne by said parties equally, as provided in Paragraph 7 of said agreement.

All costs herein are ADJUDGED equally against the Plaintiff, W. W. ALDERMAN, and the Defendant, EZRA F. ALDERMAN, for which let execution issue.

All writs shall issue as may be necessary for the enforcement of this Judgment.

To which Judgment the Plaintiff in open Court excepted and gave notice of appeal to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, at San Antonio.

Signed and entered this, the _____ day of _____, 1955.

Judge of the 81st Judicial District Court,
LaSalle County, Texas.

APPROVED AS TO FORM:

Woodrow W. Curtis
L. B. Cooper

By L. B. Cooper
Attorneys for Plaintiff

John Ben Shepperd
Attorney for Defendant

JOHN BEN SHEPPERD
Attorney General of the State of Texas

By: _____
Assistant
Attorney for the State of Texas

C O P Y

EXHIBIT A

No. 3376

W. W. ALDERMAN

VS

EZRA F. ALDERMAN

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IN THE DISTRICT COURT

OF

LaSALLE COUNTY, TEXAS

A G R E E M E N T

This agreement, made and entered into by and between W. W. ALDERMAN, Plaintiff and EZRA F. ALDERMAN, Defendant, and approved by the STATE OF TEXAS, a party to this cause, acting herein by and through its Attorney General and Commissioner of the General Land Office, this said agreement when executed, to be filed and become a part of the proceedings in this cause, WITNESSETH:

1. Plaintiff is the owner and entitled to the possession of the following described lands, among others, in LaSalle County, Texas, to-wit: W. Alexander Survey No. 19, Abstract 7; A. Martin Survey 112, Abstract 1269; J. H. Gibson Survey 146, Abstract 1686, and W. W. Alderman Survey 148 $\frac{1}{2}$, patented on July 29, 1947, by patent recorded in Volume 4 of the Patent Records of LaSalle County, Texas, and to which reference is here made showing the reserved free royalty interest to the Public School Fund of the State of Texas.

2. Defendant is the owner of and entitled to possession of the following described lands, among others, in LaSalle County, Texas, to-wit: T & N O RR Survey 21, Abstract 687, A. B. and M. Survey 111, Abstract 34; and the E. W. Alderman Survey 114, Abstract 1621.

3. That a dispute has arisen between the said parties as to their common boundary line between the surveys of Plaintiff and the surveys of Defendant as to whether or not there is any overlapping between same, and as to the true location of the south boundary of Plaintiff's surveys aforesaid and the northern boundary of Defendant's surveys aforesaid, and this agreement is made for the purpose of determining the true boundary between them.

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4. The parties agree that D. W. Cobb, County Surveyor of LaSalle County, Texas, and Frank J. Schorp, County Surveyor of Frio County, Texas, together with C. A. Douglas, a licensed land surveyor of Laredo, Texas, the latter having been agreed upon by the parties, shall go upon the ground and do such work as may be deemed necessary by the last named State Licensed Land Surveyor, adopting and applying the established rules and laws of surveying and construction, following the calls of the various Patents involved, or any and all other legal evidence, for the purpose of establishing the common boundary line between Plaintiff's land and Defendant's land above described, and for the purpose of determining whether there are any overlaps between said surveys in which latter event effect will be given to the boundary of the senior survey which is overlapped by the junior, and that the majority vote of said three named surveyors shall be and is hereby accepted by Plaintiff, W. W. ALDERMAN, and Defendant, EZRA F. ALDERMAN, as determining the true and correct boundary line between said lands; the report of the majority of said surveyors shall be returned in this cause, signed by them, reflecting and properly describing said boundary, and such report and findings shall be incorporated in the Judgment in this Cause fixing said boundary and said Judgment shall vest Plaintiff, W. W. ALDERMAN, as against Defendant, EZRA F. ALDERMAN, with the title to all of said premises North of said boundary, subject to the reserved free royalty belonging to the Public School Fund of the State of Texas, and shall vest Defendant, EZRA F. ALDERMAN, as against Plaintiff, W. W. ALDERMAN, with the title to all of said premises South of said line so established by a majority of said named surveyors.

5. In the event such boundary as established as aforesaid reflects that Survey 148 $\frac{1}{2}$ (W. W. Alderman) overlaps E. W. Alderman Survey 114, then it is agreed that said surveyors, or those making the majority report, shall, prior to making such report, submit their findings as to such overlap, if any, to the Commissioner of the General Land Office of Texas for approval; and in the event of any such overlap between said surveys, Plaintiff, W. W. ALDERMAN, binds and obligates himself to tender

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his patent to Survey 148 $\frac{1}{2}$ back to the Commissioner of the General Land Office of the State of Texas with the request that the same be cancelled or corrected to properly reflect the South boundary thereof in accordance with Article 5409, Revised Civil Statutes, and in event of cancellation, or partial cancellation, then the proportionate and proper part of the purchase money paid by Plaintiff to the State of Texas will be returned to him in the event of cancellation or partial cancellation, if so authorized by Article 5411a, V.C.S., being the refund statute and any other applicable statutes of the State of Texas.

6. If the boundary line so established by a majority vote of the said surveyors be changed on account of any overlap between the said surveys of Plaintiff and the surveys of Defendant, or because the common boundary line between Plaintiff's and Defendant's lands aforesaid does not coincide with the existing fence, it is agreed that Plaintiff and Defendant will within sixty (60) days after date of Judgment move the existing fence to and locate the same upon such line, the cost of such moving and relocation to be borne by said parties equally; if, however, no overlapping is found between the surveys of Plaintiff and the surveys of Defendant enumerated in this agreement, then the existing fence shall remain in its present location, and the same shall constitute the boundary line between said parties.

7. The fee of C. A. Douglas shall be borne by the Plaintiff, W. W. ALDERMAN, and Defendant, EZRA F. ALDERMAN, equally as will all court costs incurred herein, but said Plaintiff shall provide the services of D. W. COBB and said Defendant will provide the services of FRANK J. SCHORP.

8. Plaintiff and Defendant agree and bind themselves that they will in no wise interrupt the work of said appointed surveyor, nor will they counsel nor advise with him except upon his express request and in the presence of both of them; in other words, said parties agree that they will not be personally present at the time and place that said surveying is done.

WITNESS THE HANDS of the parties hereto this, the 3rd day of
September, A. D. 1951.

/s/ W. W. Alderman
Plaintiff

/s/ Ezra F. Alderman
Defendant

APPROVED:

/s/ L. B. Cooper
Attorney for Plaintiff

/s/ Fritz C. Sorrell
Attorney for Defendant

APPROVED:

PRICE DANIEL
Attorney General of Texas

By /s/ H. D. Pruett, Jr.
Assistant Attorney General

/s/ Bascom Giles
Commissioner of General Land Office
of State of Texas.

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No. 3376
IN THE DISTRICT COURT
LaSALLE COUNTY, TEXAS
81ST JUDICIAL DISTRICT

W. W. ALDERMAN

VS

EZRA F. ALDERMAN

JUDGMENT

LAW OFFICES OF
FRITZ C. SORRELL
PEARSALL, TEXAS

LAW OFFICE OF
FRITZ C. SORRELL
PEARSALL, TEXAS

TELEPHONE
4-2255

December 7, 1955

Re: Alderman vs Alderman,
No. 3276, District Court,
LaSalle County, Texas.

Office of John Ben Sheppard,
Attorney General of the State of Texas,
Austin, Texas.

Attention: Mr. Milton Richardson, Assistant

Dear Mr. Richardson:

Pursuant to my letter of November 22, I am enclosing herewith Final Judgment in the above captioned matter with the request that you approve the same as to form since no objections as to form have been received by the writer from any of the Attorneys.

Thanking you in advance for your prompt attention to this matter, I am

Yours very truly,


Fritz C. Sorrell

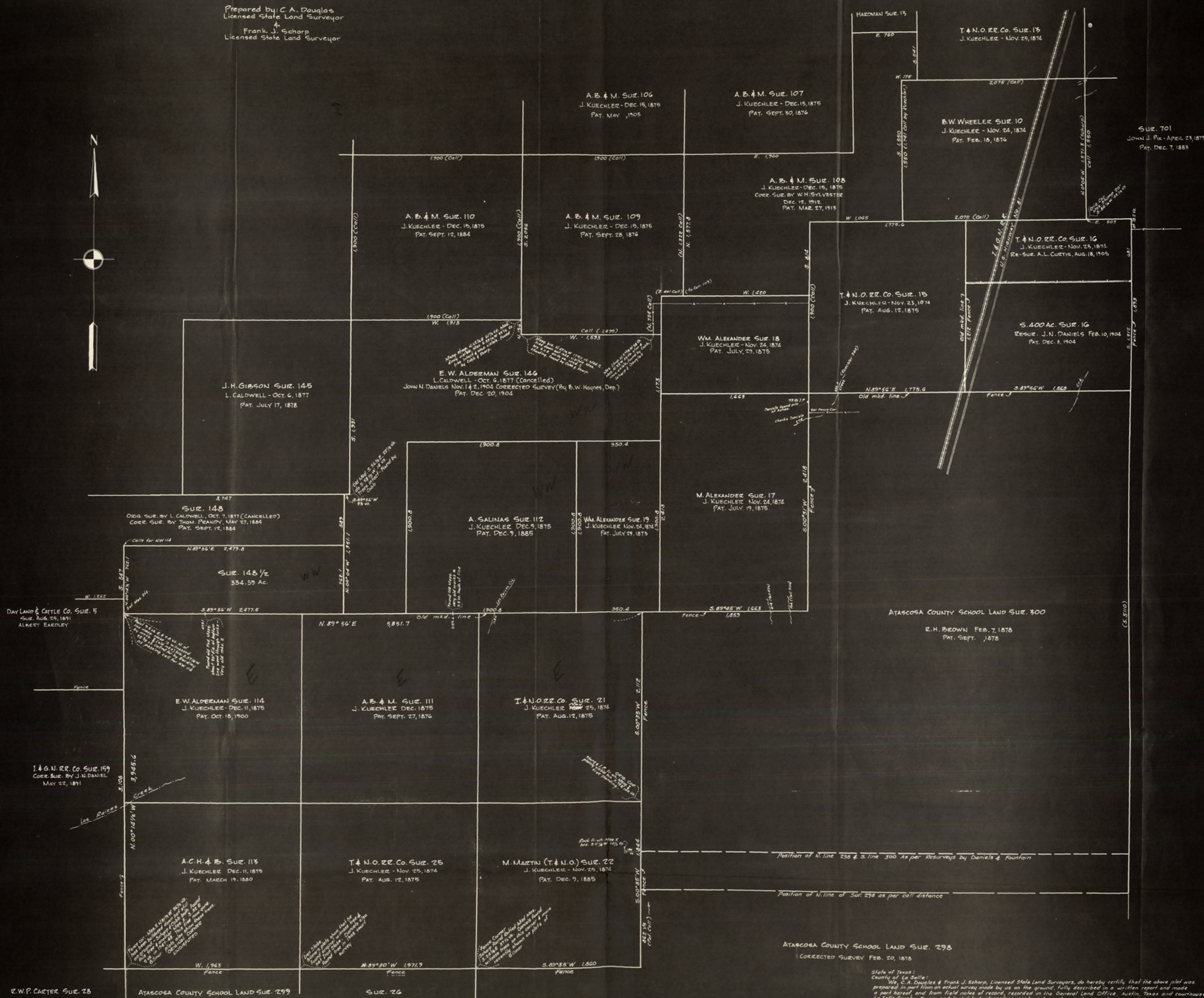
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LA SALLE COUNTY SKETCH

ALDERMAN VS. ALDERMAN
 CAUSE No. 3376
 81st DISTRICT COURT
 LA SALLE COUNTY, TEXAS
 Scale 1" = 400 Ys.

Prepared by: C. A. Douglas
 Licensed State Land Surveyor
 Frank J. Schorp
 Licensed State Land Surveyor



State of Texas:
 County of La Salle:
 We, C. A. Douglas & Frank J. Schorp, Licensed State Land Surveyors, do hereby certify, that the above plot was prepared in part from an actual survey made by us on the ground, fully described in a written report and made a part hereof, and from field notes of record, recorded in the General Land Office, Austin, Texas and courthouse, La Salle County, Texas, and that it truly describes said work as it was done on the ground.
 Completed November 11, 1905.

C. A. Douglas
 Licensed State Land Surveyor
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