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File No. Sketch File 18
Hartley County

Retracement Sur.: CR. Bailey Surs. 1 & 2

Date Filed: March 1, 2002

12267rpt

RE: C.R. Bailey Survey 1 (SF820) and C.R. Bailey Survey 2 (SF821)
Hartley County, Texas

David Dewhurst, Commissioner

By Douglas Howard

SURVEYORS' REPORT

At the request of Mr. Wilbur Bryant, owner of the C.R. Bailey Surveys 1 and 2, we have made a re-survey to determine their true acreage. The original applications, made July 21, 1900, to S.W. Oakes, County Surveyor of Hartley County, Texas, and recorded in Volume 2-1/2, pages 110 and 111, includes all of the land lying Southerly of Sections 28, 29 and 30, Block 3, Brooks and Burleson Survey, to Capitol Leagues 236 and 237. On September 11, 1900, Mr. Oakes surveyed the lands described in said application, making proper adjoinder calls to both the Brooks and Burleson Block 3 as well as the Capitol Leagues. In the Bailey Surveys, a call for a "mound and 4 pits" was made for the common North and South corners to said Surveys 1 and 2. The two surveys call for 640 and 569 acres, respectively, and patents issued November 6, 1916.

The Brooks and Burleson Block 3 appears to have been laid down on the ground by W.D. Olmsted, Deputy Surveyor of the Jack District, in November 1875, with Survey No. 1 beginning at the Northwest corner of Survey 22, B. S. & F. Block 2. Each of the successive sections is tied to the previous. A review of his field notes of Sections 23 through 34, said Block 3, make no reference to any identifiable monument. With the exception of Section 24, patents issued on the original field notes. Section 24 was re-surveyed by M.F. Beaumont, Surveyor of Hartley County, Texas, on October 18, 1927 and divided into quarters, calling only for pits at several of the corners. The H. & T.C. Ry. Co. Survey Block 49 lies immediately to the South of said Block 3 and is a continuation of Mr. Olmstead's survey. Hartley County "Rolled Sketch 4" (GLO files) by A.G. Howren in 1902 shows several monuments found in the Southern part of said Block 49. His map indicates that the West line of the Leagues and the C.R. Bailey Survey 1 are coincident with the East line of said Blocks 3 and 49.

State Capitol Leagues 236 and 237 were located on the ground under authority of an act of the 16th Legislature providing for the designating, surveying, and sale of three million and fifty thousand acres of the unappropriated Public Domain for the construction of a new state capitol building, by J.T. Munson, Contract Surveyor, with patents issuing on February 1, 1887. The western portion of League 237 was recovered for the permanent public free school fund of Texas by virtue of a final decree in the Fifty-third Judicial District Court of Travis County, dated April 26, 1924 in cause 36183. A subdivision thereof was authorized by Chapter 106, Act of the Regular Session of the 38th Legislature, 1923, page 22. A survey of said subdivision was made upon the ground in June 1924 by James P. Dod and known as Block C.S. Identifiable monuments were called for in his field notes and patents issued.

Immediately to the east of the C.R. Bailey Survey 2 lies Survey 1, Block GA, made by E.F. Balte, County Surveyor of Hartley County, in December, 1902. This survey makes adjoinder calls to Section 28

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of the Brooks and Burleson Block 3, League 236, and the C.R. Bailey Survey 2, as well as pre-emption surveys to the north and east.

Capitol League 236 and the eastern part of League 237 was subdivided into sections by plat recorded in Volume 37, page 635 of the Hartley County Deed Records, and known as Capitol Syndicate Subdivision Block 21. As indicated on the plat, the North line of League 236 was established patent call North from a found "4 old pits" at its Southwest corner, and from a found "stone" at its Southeast corner. The plat reflects a distance of 4231 varas, an excess of 34 varas over the original call of the South line between these two monuments, and which was extended to its North line.

In 1962, Oliver L. Noel, a Licensed State Land Surveyor, surveyed and recorded field notes in the County records of a "vacancy" of 77.727 acres of land lying between the South line of Sections 28, 29 and 30, said Brooks and Burleson Block 3, and the North line of the C.R. Bailey Surveys 1 and 2. Apparently no action has been taken to this survey, and no record of it exists in the General Land Office.

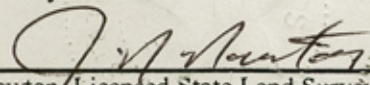
With the exception of the Southwest corner of the C.R. Bailey Survey 1, this area is basically flat table land being cultivated. The only record monuments still in existence today are two of the iron pipes along the North line of League 237 as set by James P. Dod on the Block C.S. subdivision. The concrete monument that Dod calls for at the Northwest corner of said League 237 was found laying out in a wash. Several monuments of unknown origin and the general occupation of the Brooks and Burleson Block 3, both by fences and by the location of Farm to Market roads, were found to agree with the original calls. To locate the North line of League 236 today, we must rely on the marker found in center of a graded County road for the Southwest corner of said Survey 1, Block GA, and the marker found at the Southwest corner of the South part of Survey 6, Block A-2.

An examination of the original field notes by S.W. Oakes for the Bailey surveys reveal he took all of the land as described in the applications, however as indicated by the Noel vacancy survey and by our findings, the distance between said Block 3 and the Leagues are excessive by approximately 49 varas on the west side and 105 varas on the east side. Due to the adjoinder calls in the applications and in the field notes of the Bailey surveys, we believe that this is excess acreage and not a vacancy, thereby nullifying the Noel survey, and may be purchased by Mr. Bryant pursuant to Section 4, of House Bill No. 9, Forty-sixth Legislature, as amended. To do otherwise one would have to break the adjoinder and beginning call of the Bailey survey.

The plat and field notes accompanying this report reflect the monuments found and used in the reconstruction of the adjoining surveys, and honor the adjoinder calls in both the applications and original field notes of the Bailey Surveys 1 and 2. The position of Brooks and Burleson Block 3, Sections 24 through 31, is well established upon the ground, and could have been so located to agree with the original calls only by surveys made upon the ground, presumably when the original marks could have been found. The North line of League 237, along with its Northwest corner, is located and occupied on the Dod survey. The North line of League 236 being located by the existence of a graded County road and found monuments, with the evidence of division, in close harmony of the Capitol Syndicate Subdivision Block 21. The Northeast corner of League 237 being determined from adjoining calls in the patent field notes of the South Part of Survey 6, Block A-2, and the West Part of Survey 5, said Block A-2. The west line of said League 237 then being placed the distance and at right angles to the north line, as revealed on said Capitol Syndicate Subdivision Block 21 plat, from its Northeast corner.

We could find no evidence to indicate our re-survey would be in conflict with any of the other surrounding surveys, having either senior or junior rights.

Respectfully submitted:

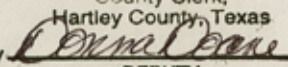

J.N. Newton, Licensed State Land Surveyor

10/30/2001

STATE OF TEXAS }
COUNTY OF HARTLEY }

I hereby certify that this instrument was FILED on this date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL REAL PROPERTY RECORDS OF HARTLEY COUNTY, TEXAS, in the Volume and Page as shown.



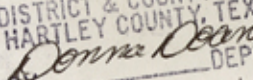
Diane Thompson
County Clerk,
Hartley County, Texas
by  DEPUTY

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

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FILED

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DIANE THOMPSON
DISTRICT & COUNTY CLERK
HARTLEY COUNTY, TEXAS
BY  DEPUTY

11.00 PM

Hartley Co. Sketch File 18