

File No. FILE SKETCH 47

COOKE County

SF- 16569

Date Filed: JULY 17, 2003

Jerry Patterson, Commissioner

By Douglas Howard

Re: Cooke County vacancy application, SF-16569 See RLD. SK. 8

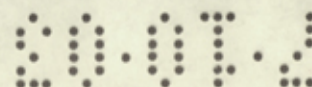
Report of on the ground survey relevant to the above captioned application.

The surveys to the south of the J.D. Linn Survey, A-1347 were built in from the south. The surveys from the east were built in from the east. The surveys to the north and west were built in from their respective directions leaving the questioned land "caught" in the middle.

Approaching from the south:

Sections 19 & 20 B.B.B. & C.R.R. Co. Surveys were built onto and attached to the Geo. Steele Surveys to the south. The Steele Survey, A-1061 was surveyed October 21, 1854 as was the Geo. Steele Survey, A-1062 and the Geo. Steele Survey, A-1060 by Josiah D. Brown. In the field note descriptions of the A-1061 and A-1062 Mr. Brown calls for Mounds, piles of rocks witness trees, etc. at corners and references passing calls. In the field note description of the A-1060 survey Mr. Brown only calls for "a corner" at the western two corners leaving doubt as to if he actually ran the lines.

In the survey of the Elenor Langford Survey, A-566 performed by Daniel Montague on March 18, 1855 he calls to begin at the northwest corner of the most western Steele Survey and states that said corner is a mound in prairie. Then runs 950 varas North to a pile of stone (still existing today). Thence West 5178 varas to a pile of stone (now in the middle of a county road #342). Thence South 2850 varas a pile of stone (Now finding a rock with an "X" etched into it). Thence East at 2639 varas cross a branch of Clear Creek at 5178 Varas a mound. Thence North 1900 Varas to the beginning. The call to the east is very good because in the vicinity of 2639 varas you are in the approximate middle of a generally low area where several small branches of Clear Creek coalesce placing the passing call for the branch of Clear Creek in it's correct position. This is important because



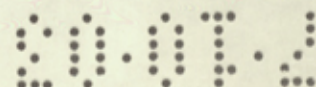
the east line of the Langford Survey has been used in many documents of record to be in the middle of what is now FM 373 however placing the survey in it's correct position the east line lies 563 varas (1564 feet) east of FM 373. If you run east from the accepted northwest corner (a corner in the middle of a county road) the called distance of 5178 varas you will find a large mound of rocks appearing to be very old which has an iron rod in it at the northeast corner of the Langford Survey. The southeast corner of the Langford Survey has long been destroyed and probably is in the ROW of FM 373. By correctly placing the Langford Survey with the evidence found on the ground you will find that the Langford Survey overlaps the western Steele Survey and the B.B.B. & C.R.R. Co. Survey, #20. The Langford Survey is Junior to the Steele Survey and Senior to the B.B.B. & C.R.R. Co. Survey, #20 and the subsequent divisions thereof.

Approaching from the west:

The M.E.P. & P.R.R. Co. Survey A-709 was built onto the northeast corner of the Langford Survey and calls for a 1900 vara square. At the northwest corner you can find the remains of the pile of stone called for in it's field notes with a 2 inch iron pipe fence corner. The M.E.P. & P.R.R. Co. Survey, A-709 is Junior to the B.B.B. & C.R.R. Co. Survey #20. However since the B.B.B. & C.R.R. Co. #20 Survey was an even numbered survey and as such was not patented out of the State of Texas and was subsequently re-surveyed for P. Linn on August 10, 1884 (the North 1/2), William Henderson on March 23, 1878 (the Southwest 1/4) and P.R. Wertz on June 16, 1905 (the Southeast 1/4) the M.E.P. & P.R.R. Co. Survey, A-709 Survey would be the senior survey. The M.E.P. & P.R.R. Co. Survey, A-709 is senior to the P. Linn Survey, A-1407, the J.D. Linn Survey, A-1347 and the W.A. Linn Survey, A-1542 surveys to the east but junior to the Naoma Matson Survey to the north.

Approaching from the east:

In his correction Survey of the J.D. Linn Survey, A-1347 performed by J.D. Howeth on August 1, 1940 he correctly mapped and stated the facts of the surveys to the East, North and South of the J.D. Linn Survey, A-1347. Mr. Howeth however failed to account for the senior surveys to the west and erroneously stated that there is a vacancy left to the west of the J.D. Linn Survey, A-1347. Had Mr. Howeth measured the surveys to the west he would have found that there was an overlap in the location of where he

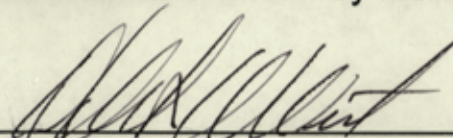


placed the west line of the J.D. Linn Survey, A-1347 (a junior survey). Had Mr. Howeth surveyed the Langford and the M.E.P. & P.R.R. Co. Survey, A-709 he would have found that all he could have gone West was 1951.2 varas until he met the east line of the senior M.E.P. & P.R.R. Co. Survey, A-709 instead of the 2072 varas that he actually went.

Approaching from the north:

The calls written by M.M. Yeakley on August 1, 1905 of the W.A. Linn Survey, A-1542 do not close and actually mathematically cross over themselves. It is therefore agreed with Howeth that Yeakley did not survey it properly. The redeeming qualities are that it does call for the adjoiner surveys.

Hulens field notes of the C. Carter Survey, A-1190 and the Cooke C.S.L. Survey, A-1188 provide evidence that much of the J.D. Linn Survey, A-1347 and portions of the J.L. Townsley (Clark), A-1551 do not exist. Hulens field notes for the senior C. Carter Survey, A-1190 and the Cooke County School Land Survey, A-1188 call to join Sections 19 & 20 of the B.B.B. & C.R.R. Co. Surveys to their south. However it is believed that this is not the case and that the call for joiner was mistaken by Hulen. The reason being that the surveys of the J.D. Linn Survey, A-1347 made by S.J. Brazelton (5-8-1884) and the corrected field notes made by J.D. Howeth (8-1-1940) which establish the south line of the Linn Survey, A-1347 to be on the north line of Sections 19 & 20 of the B.B.B. & C.R.R. Co. Surveys to the south and that the ground evidence does fit very closely with that referenced by Howeth.

  
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Delbert West, County Surveyor, Cooke County, Texas

Recorded in Book M, Page 97 of the Cooke County Surveyors  
Records this the 8th day of July, 2003.

