

File No. Sketch File 21

Jones County

Excessive Acreage Investigation

Date Filed: 5-30-2012 #100519

Jerry E. Patterson, Commissioner

By Douglas Howard

See
Rolled
Sketch
2



**SHEPPARD SURVEYING
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REPORT OF A SURVEY TO DETERMINE THE EXCESS ACREAGE IN THE JOHN FENNEL SURVEY NUMBER 278, A-178, GLO FILE 1-1026; GABRIEL ZUMWALT SURVEY NUMBER 279, A-473, GLO FILE 3-1269; STEPHEN SCALLORNS SURVEY NUMBER 280, A-301, GLO FILE NUMBER 2-473; ISAIAH MILEY SURVEY NUMBER 281, A-268, GLO FILE NUMBER B-992; ALONG THE SOUTH BANK OF SWEETWATER CREEK AND THE MARK W. DIKES SURVEY NUMBER 218, A-166, GLO NUMBER BEX. 1973; AND THE EDWARD MILES SURVEY NUMBER 219, A-259, GLO BEX. 1974 ALONG THE NORTH BANK OF SWEETWATER CREEK IN SOUTHWEST JONES COUNTY, TEXAS.

THIS SURVEY INITIATED BY MR. WILLIAM SOJOURNER III, OF SOJOURNER ENTERPRISES, LTD, OWNER OF TRACTS WITHIN THESE SURVEYS ALONG THE SOUTH BANK OF SWEETWATER CREEK, ACQUIRED IN GENERAL WARRANTY DEED AS RECORDED IN VOLUME 289, PAGE 489, OFFICIAL PUBLIC RECORDS OF JONES COUNTY, TEXAS, FILED FOR RECORDING SEPTEMBER 18, 2008.

RESEARCH FOR THIS SURVEY INCLUDED SEVERAL ADJOINING ORIGINAL SURVEYS, OBTAINING RECORDS FROM THE GENERAL LAND OFFICE, PRIVATE SURVEYORS RECORDS, COUNTY SURVEYORS RECORDS AND DEED RECORDS FROM JONES, FISHER AND NOLAN COUNTIES. I FIND THAT MOST OF THE LATER SURVEYS MADE BY COUNTY SURVEYORS FOUND

AND INCLUDED THE EXCESS ACREAGE WHICH WAS EVENTUALLY INCLUDED IN DEEDS AND TOTALED TO MORE THAN THE PATENTED ACREAGE IN EACH OF THESE SURVEYS. OF THE ORIGINAL SURVEYS FRONTING ALONG SWEETWATER CREEK, THE EDWARD DICKINSON NUMBER 275, GLO FILE NUMBER D-1028 HAS HAD CORRECTED FIELD NOTES AND A DEED OF AQUITTANCE ISSUED, WHILE SEVERAL OF THE OTHER SURVEYS DO HAVE CORRECTED FIELD NOTES IN THE COUNTY SURVEYORS RECORDS, BUT WERE NEVER FILED IN THE GENERAL LAND OFFICE. READER OF THIS REPORT IS REFERENCED TO A LARGE SKETCH LABELED B ACCOMPANYING THIS REPORT AND A SMALL DIAGRAM LABELED A ATTACHED AT THE END OF THIS REPORT. POINTS AS DISCUSSED ARE LABELED WITH ALPHA DESIGNATIONS FOR REFERENCE.

HISTORICAL

MAY 14, 1852

J. G. Mc DONALD, DEPUTY SURVEYOR OF BEXAR COUNTY SURVEYED THE FOLLOWING SURVEYS ALONG SWEETWATER CREEK:

EDWARD DICKINSON # 275, GLO # D 1028, FOR 640 ACRES
JAMES BOSTON # 276, GLO # 3-1231, FOR 320 ACRES
JAMES H. COLEMAN # 277, GLO # 3-1230. FOR 320 ACRES
JOHN FENNEL # 278, GLO # 1-1026, FOR 369 ACRES
GABRIEL ZUMWALT # 279, GLO # 3-1269, FOR 640 ACRES
STEPHEN SCALLORNS # 280, GLO # 2-473, FOR 640 ACRES
ISAIAH MILEY # 281, GLO # B 992, FOR 1280 ACRES
WILLIAM LITTLEFIELD # 282, GLO # 2-508, FOR 640 ACRES
HRS. ROBERT SPIERS # 283, GLO # 1-1162, FOR 1476.1 ACRES (Fisher Co.)

HRS. GEORGE W. PECK # 284, GLO # B-1-1137, FOR 1476.1 ACRES (Fisher Co.)

WILLIAM S. BROWN # 285, GLO # B-D-1126, FOR 640 ACRES, (Fisher Co.)

WILLIAM H. DAVIS # 286, GLO # B-B-1124, FOR 1280 ACRES (Fisher Co.)

WILLIAM HARRIS # 217, GLO # F.S. 3718, FOR 640 ACRES

MARK W. DIKES # 218, GLO # BEX-1-1973, FOR 3498.44 ACRES

EDWARD MILES # 219, # 282, GLO # B-1974, FOR 4605.5 ACRES

THOMAS H. COSBY # 220, GLO 3 # B-D-1022, FOR 640 ACRES

Surveyor McDonald began a system of surveys at the convergence of the Concho and Colorado Rivers in what is now the corner of Runnels, Coleman and Concho Counties. See General Land Office map K-5-10, Northern Bexar. He then ran northward and later ran meanders of several streams, laying out surveys for a group of certificates he had been requested to locate lands for. Historically it has been accepted that his measurements were subject to some concern as he ran meander lines along these streams marking trees for the corners fronting on the stream and not marking any of the back corners. These back corners were generally established later by the railroad blocks attempting to adjoin the Mc Donald Surveys. The practice seems to have been to recover what Mc Donald corners were possible along the streams and prorate between these for unfound corners. Then give each of the Mc Donald surveys their call distance back from the stream from the lower or downstream corner. Once this distance was reached, turn and run until this back line was perpendicular with the established upper corner of the Mc Donald survey. When it was found or determined later that these surveys did not adjoin, fill in surveys were placed in these gaps by the county surveyors.

JANUARY 5, 1875

FIELD NOTES BY CHARLES H. IRWIN, DEPUTY SURVEYOR FOR THE TEXAS & PACIFIC RAILWAY COMPANY,

Block 18, Section 51

Section still patented on Irwin original field notes. This Section is occupied based upon the George F. Williams, Jones County Surveyor construction as followed by D. R. Ward field notes dated January 2, 1901. See Scrap Files 984, 985, 986 and 1459 and the Thomas Newman Survey.

Block 18, Section 53

JANUARY 9, 1875

FIELD NOTES BY CHARLES H. IRWIN, DEPUTY SURVEYOR FOR THE TEXAS & PACIFIC RAILWAY COMPANY, *Patented on Irwin original notes. See Jones County Surveyor D. R. Ward field notes for North and South halves. Jones County Records Volume K, Pages 71 and 72, dated April 22, 1902.*

Block 19, Section 13

Section 13 is still patented on the original Irwin 1875 field notes but is occupied on the August 1888 reconstruction of this area by George F. Williams, Jones County Surveyor. See Scrap Files 984, 985, 986 and 1459. Requires corrected Field Notes filed in the General Land Office to conform to the patented Scrap Files, and remove overlap in the Scallorns, Zumwalt, Fennel and Coleman Surveys.

AUGUST 29, 1888

FIELD NOTES BY GEORGE F. WILLIAMS, JONES COUNTY SURVEYOR, FOR THE J. W. MARTIN SURVEY NUMBER 1, GLO # P 6852. "Beginning at a stake set in the E.B. line of No. 281 in name of Isaiah Miley at the intersection of the north boundary line of No. 12 T & P RR Co. Survey blk. no. 19. With the E.B. line of said Miley a mesquite 9" in dia. brs N 70° E 1 ½ vs. mkd "X".

Thence N 75° E 688 vs. with the north boundary line of No. 12 to a stake interior N.W. corner of No. 12 a mesquite 10" dia brs S 47 ¾° E 42 2/5 vs. mkd "19S E 281 XX" Mesquite 10" dia brs S 35° E 2 ½ vs. mkd "281 XX" old bearings as called for in the original field notes of No. 12, a new bearing a Mesquite 4" in dia. brs N 27 ½° W 32 ½ vs. mkd "X".

Thence N 15° W 274 vs. with the west boundary line of No. 12 to a planted stone for the Northwest corner of No. 12.

Thence N 17° E 832 vs to N.E. corner of No. 12 a stone set in ground, a mesquite 6" dia brs N 66° W 28 vs. mkd "T19N" and broken off, a mesquite stump brs S 81 ¾° W 50 vs. the two described bearings correspond with callings in the field notes of No. 12, new bearings point of mountain brs S 47 ¼° W, another point of mountain brs S 3 ¼° W.

Thence N 13° W 210 vs. with west boundary line of No. 15 T & P RR Co. blk no. 19. Set stone for the S.E. corner of No. 14.

Thence S 77° W with the S.B. line of No. 14 T & P RR Co. Survey 832 vs to a stake set for the S.W. corner of No. 14.

Thence N 15° W 569 vs with the W.B. line of No. 14 blk No. 19 T & P RR Co. Survey which is an old hacked line, a stake set for the N.E. corner of this tract.

Thence S 75° W 688 vs to E.B. line of No. 281 in name of Isaiah Miley.

Thence S 15° E with E.B. line of Isaiah Miley 1053 vs to place of beginning.

Surveyed August 29th, 1888

J.W. Martin & J.H. Greyson - - - chain carriers"

"I, Geo. Williams, County Surveyor of Jones County, Texas, hereby certify that the above described survey was actually made by me on the ground according to law on the date and with the chain carriers above mentioned, that the line corners and boundaries are truly and correctly described in the foregoing plat and field notes. I further certify that I found the lower River corner of No. 281 Isaiah Miley which is the N.E. corner and Elm 12" dia brs N 2 ½° E 8 vs mkd "X" original bearing an Elm 12" dia a new bearings mkd "X" growing on the body of original bearing. [See point "A"] I failed to find the lower river corner of No. 280 in name of Stephen Scallorns. I found the lower river of No. 279 in name of G. Zumwalt. [See point "B"] A stone mnd put in by a recent Surveyor and

proven by an old bearing tree, a mesquite 6" partly dead mkd = I found new mks on the green part "X" brs N 74° E 24 vs. illegible course & distance, I found the width between the lower corner of the Zumwalt & the upper corner of the Scallorns excessive. I prorated the excess between the two surveys and established the corner to the Scallorns & Zumwalt. I ran the E.B. lines of the Miley from the corner found & the E.B. line of the Scallorns from the corner I established. I found no old marked lines on either of these old surveys."

See accompanying surveyor's statement and sketch showing this area with recovered northwest corner of the Miley and Scallorns Surveys and the Northeast corner of the Zumwalt Survey. Also, recovered west-northwest corner of Section 13, northeast corner of Section 12 and an ell corner of Section 12, all in Block 19. [See point "C"]

JANUARY 6, 1890

STATEMENT BY GEORGE F. WILLIAMS, JONES COUNTY SURVEYOR ON GLO WORKING SKETCH NUMBER 10, FISHER AND JONES COUNTIES "That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing" (1-974)

MARCH 20, 1899

FIELD NOTES FOR 240 ACRES, THE EAST END OF SECTION 12, BLOCK 18, T & P. RAILWAY SURVEY, BY GEORGE F. WILLIAMS, JONES COUNTY SURVEYOR, IN GENERAL LAND OFFICE FILE 54956. *These field notes indicate his recovery of original T. & P. corners and lines and his construction of the original McDonald river surveys as explained in Scrap Files 984, 985, 986 and 1459.*

SEPTEMBER 1, 1900

ADOPTED FIELD NOTES BY GEORGE F. WILLIAMS, JONES COUNTY SURVEYOR, AS FOLLOWS: See sketch (SF984) showing Williams construction of the senior Mc Donald Surveys and his location of the T & P, Block 19, sections. This sketch shows the overlaps and gaps between these surveys in the area of Section 13, Block 18, T, & P. I find during this current survey each of these surveys generally occupied and conform to the Williams construction.

SCRAP FILE 984, J. H. GRAYSON NUMBER 1, BEING 19.7 ACRES, "Beginning at a planted stone being the northeast corner of the J. H. Grayson homestead for the southeast corner of this tract in the west boundary line of Survey 13, Blk. 19, T & P RR. As proven by its line trees from Sur. 13 & 14. Thence N 15° W 162 vs. with the west boundary line of No. 13 to a planted stone in the south boundary line of Survey No. 280 in the name of S. Scallorns. Thence S 75° W 688 vs. with SBL of Scallorns to a planted stone in the east boundary line of I. Miley Survey. Thence S 15° E 162 vs. with the EBL of said Miley to the NWC of the J. H. Grayson homestead a planted stone. Thence"

SCRAP FILE 985, J. H. GRAYSON NUMBER 2, BEING 35 ACRES, "Beginning at a planted stone at the intersection of the north boundary line of said No. 13, Blk No. 19, T & P RR Co. Survey with the E.B. line of No. 280 in name of Stephen Scallorns, mesquite 10" brs N 15° W 5 vs.

Thence N 75° E with the north boundary line of said No. 13 to the original Ell corner of the same 621 vs. planted stone from which mesquite original bearing marked by the T & P Survey brs. N 72° E 44 ³/₄ vs. Mesquite original bearing brs N 5° ¹/₂ E 17 vs.

Thence N 15° W 320 vs. with the original west boundary line of No. 13 to a planted stone in the S.B. line of No. 279 in the name of Gabriel Zumwalt mesquite 10" brs S 17°E 23 ¹/₂ vs....."

SEPTEMBER 7, 1900

SCRAP FILE 986, J. H. GRAYSON NUMBER 3, BEING 67.8 ACRES, BY GEORGE F. WILLIAMS. "Beginning at a planted stone in the east boundary line of the G. Zumwalt Survey and the northwest of Survey 13, Blk. 19 T & P RR., Mesquite 10" S 71° W 5 ½ vs. Thence N 75° E with original north boundary line of No. 13 556 vs to planted stone for an ell corner of 13, Mesquite. 10" S 41° W, 11 vs., Mesquite 6" N 29° W 8 vs. Thence N 15° W 690 vs. with original WBL of No. 13 to planted stone in the SBL of J. Fennel Survey, Mesquite. 6" brs N 79° W 41 vs. Thence S 75° W 556 vs with SBL of J. Fennel to a planted stone in the east boundary line of the G. Zumwalt Survey, extreme right hand point of Blue Mt brs. S 40° W. Thence S 15° E 690 vs...."

DECEMBER 8, 1900

SCRAP FILE 1459, J. H. GRAYSON NUMBER 4, BEING 57.3 ACRES, BY GEORGE F. WILLIAMS. Beginning at a planted stone in the east boundary line of J. Fennel Survey and the original north boundary line of No. 13, Blk. 19 T & P RR. Mesquite. 10" N 55° E 7 vs.

Thence N 75° E with original north boundary line of No. 13 to planted stone for ell of No. 13, 480 vs, Mesquite 8" S 76 ½° E 7 vs.

Thence N 15° W 675 vs., with original west boundary line No. 13 to planted stone in south boundary line of J H Coleman Survey, Mesquite 4" brs. S 32° W 4 ½ vs.

Thence S 75° W with south boundary line of Coleman 480 vs to planted stone in east boundary line of J. Fennel Survey for southwest corner of J H Coleman, Mesquite 6" brs N 58° E 14 vs.

Thence S 15° E with east boundary line of said Fennel 675 vs...."

JANUARY 2-5, 1901

FIELD NOTES BY D. R. WARD, JONES COUNTY SURVEYOR , BEING A RE-SURVEY OF SECTION 51, BLOCK 18, T & P RAILWAY SURVEY, AND

RECORDED IN VOLUME E, PAGE 411, OF JONES COUNTY SURVEYORS RECORDS. *These field notes call to have recovered several of the original T & P corners and lines but stop or extend these lines to conform with the location of the senior river surveys made by Mc Donald as reconstructed by Jones County Surveyor George F. Williams in 1900. See various Scrap Files made for J. H. Grayson and sketch in SF 984, J. H Grayson #1. NOTE: Section 51 still patented on original T&P field notes but generally occupied upon the Ward Field Notes. Requires corrected Field Notes filed in the General Land Office to correct overlaps into the Boston and Dickinson Surveys.*

MAY 16, 1901

FIELD NOTES BY JAS. SIMPSON, NOLAN COUNTY SURVEYOR, AS RECORDED IN VOLUME ____, PAGE 129, NOLAN COUNTY SURVEYOR RECORDS OF 998 ¼ ACRES BEING THE EAST HALF AND NORTHWEST QUARTER OF THE WILLIAM DAVIS SURVEY NUMBER 286. *These notes do not refer to any original corners but do call for the east-west dimension of the Brown Survey to be 1398 varas as compared to the patented call of 1344 varas.*

APRIL 22, 1902

FIELD NOTES BY D. R. WARD, JONES COUNTY SURVEYOR, FOR THE SOUTH HALF OF SECTION 53, BLOCK 18, T & P RR. AS RECORDED IN JONES COUNTY SURVEYORS RECORDS VOLUME K, PAGE 71 CONTAINING 322 ACRES, AND THE NORTH HALF ON PAGE 72, CONTAINING 321.68 ACRES. *Calls to have recovered original witness trees at corners and a total of 643.68 acres as compared to Irwins called 640 acres.*

NOVEMBER 18, 1902

FIELD NOTES BY D. R. WARD, JONES COUNTY SURVEYOR, RECORDED IN VOLUME K, PAGE 104 JONES COUNTY TRANSCRIBED FIELD NOTES FOR THE JONES BOSTON SURVEY NUMBER 276, CONTAINING 385 ACRES. "Beginning at a planted stone for the northwest corner of the E. Dickinson Survey {as relocated by

running from the NW corner of the James Fennel Survey and the NE corner of the E. Dickinson and NE corner of the H. B. Williams Survey}. All of these corners were identified by the original bearing trees. Thence S 25° E, 2888 varas Thence S 75°W, 759 varas “to a planted stone for the southwest corner”. [SEE POINT G] A large red sand stone boulder brs N 8° W, 187.5 varas. [SEE POINT H] Cedar tree on edge of bluff brs. N 41 ½°E..... Thence N 15°W , 2445 varas a flat rock, limestone 10x15 foot marked C/B on the SE corner, a Hackberry 2” in SE corner of said rock brs N 9°E, 0.7 varas..... [SEE POINT I].” *See June 11, 1935 Field Notes by J M Arnett.*

FEBRUARY 23-24, 1905

FIELD NOTES BY GEORGE F. WILLIAMS, JONES COUNTY SURVEYOR FOR 85.4 ACRES OFF OF THE WEST END OF T. & P. SECTION 12, BLOCK 19. *These field notes conform to the earlier construction by Mr. Williams for the patented Scrap Files 984, 985, 986.*

OCTOBER 1905

SEE BERRY & COGGINS SUBDIVISION OF THE ROBINSON PASTURE AS SURVEYED BY W. A. RINEY OCTOBER 1905, AND RECORDED IN JONES COUNTY PLAT CABINET 1, SLIDE 72, OF THE MARK W. DIKES SURVEY 218 AND THE EDWARD MILES SURVEY 219, IN JONES AND FISHER COUNTIES. *Currently I find all of the lands within these two surveys to conform to calls from this subdivision.*

SEPTEMBER 25, 1917

FIELD NOTES BY M. M. THOMSON, JONES COUNTY SURVEYOR FOR 80 ACRES OUT OF THE MID PART OF SECTION 12, BLOCK 19, T. & P. RAILWAY SURVEY. *Fills in between Williams patterned portions of Section 12.*

SEPTEMBER 16, 1926

FIELD NOTES BY J. M. ARNETT, JONES COUNTY SURVEYORS, RECORDED IN VOLUME M, PAGE 365, JONES COUNTY SURVEY RECORDS, FOR 28.3 ACRES OUT OF THE SOUTHEAST CORNER OF THE MILEY SURVEY NUMBER 281. *These field notes do not call for any original corners identified but this tract still occupied to date.*

JULY 8, 1927

FIELD NOTES BY J.M. ARNETT, JONES COUNTY SURVEYOR, RECORDED IN VOLUME N, PAGES 12 & 13, FOR 55 ACRES AND 120 ACRES RESPECTFULLY OFF OF THE NORTH PART OF SAID COLEMAN SURVEY. "Volume N, Page 12, Beginning at a stone mound at a large flat rock on the south bank of Sweetwater Creek for NE corner this survey" [SEE POINT I]... *Continued and called for set stones at each corner except call for pipe at southwest corner of 120 acres in a public road, now FM 1812. Searched for and did not recover any of these stones but did recover pipe at southeast corner of 120 acre tract [SEE POINT J] at 1594.098 varas south of point "I" versus called 1596 varas.*

FIELD NOTES FOR PARTS OF THE JOHN FENNEL SURVEY NUMBER 278, BY J. M. ARNETT, JONES COUNTY SURVEYOR, RECORDED IN SURVEYOR RECORDS VOLUME N, PAGE 9 (127 ACRES BEING EAST HALF OF SOUTH 254 ACRES), PAGE 10 (127 ACRES BEING THE WEST HALF OF THE SOUTH 254 ACRES), AND PAGE 11 (BEING THE NORTH 142 ACRE OF SAID SURVEY 278.) THE NORTH 142 ACRES DESCRIBED AS "Beginning at a planted stone on the south bank of Sweetwater Creek for the NE corner of the Fennel Survey from which said stone and a mesquite bears S 11 ½° W 40 varas, do bears N 74°E, 24 varas (both apparently original witness trees) and the northwest corner of Coleman Survey 277. *This area has been cleared for an old roadway and more recently a pipeline right of way with no signs*

of corner monuments. Thence S 15° E with WEST BOUNDARY LINE Coleman Survey and EAST BOUNDARY LINE this 1350 varas to pipe driven in public roadThence S 75° W with NBL of the south 254 acres 720 varas to a planted stone in stone mound on the side of a hill in the west boundary line this survey.... Thence N 15° W with said WEST BOUNDARY LINE for 861 varas to a planted stone on the south side of Sweetwater Creek for NWC said Fennel from which mesquite bears S 11 ½° W at 40 varas, do N 74° E at 24 varas (both apparently original witness trees)” [SEE POINT B]. From private surveyor records of Eddie Chase this stone was recovered in late 50's or early 60's along with stumps of trees. Today we find this point at the end of an old abandoned fence line where the entire bank has washed and eroded southerly, destroying the corner monument. I find the two south 127 acre tracts line of occupation to be occupied very closely to the calls given by Mr. Arnett and his total area for this survey being 396 acres as compared to this current survey finding 398.40 acres.

JUNE 8, 11, & 13 1928

FIELD NOTES BY J. M. ARNETT, JONES COUNTY SURVEYOR, RECORDED IN VOLUME N, PAGE 100, JONES COUNTY SURVEYORS RECORDS, FOR 400 ACRES OUT OF THE SOUTH PART OF THE SCALLORNS SURVEY NUMBER 280. *While these field notes do not make reference to any original corners it does establish the east-west distance of this survey as 1020 varas and includes a note “Said survey is based upon endorsers as per request”.*

JUNE 11, 1935

FILED NOTES BY J. M. ARNETT, LICENSED STATE LAND SURVEYOR, RECORDED IN VOLUME N, PAGE 307, JONES COUNTY SURVEYORS RECORDS, CONTAINING 382.1 ACRES OUT OF THE JONES BOSTON SURVEY NUMBER 276. “Beginning at a stake on the south bank of Sweetwater Creek for the northwest corner of Edward Dickinson..... Thence S 15° E at 20 varas iron pipe & stone mound.... Continuing with old fence line at 2888 varas in all iron pipe and stone mound

at fence corner for SE corner this...Thence S 74°32' W with SB Line this survey and with fence 761 varas to an iron pipe & stone mound under fence in the east boundary line of J H Coleman Survey 277 for SW corner this [SEE POINT G]....Thence N 15°12' W with said fence line 2447 varas to an iron pipe and stone mound on south bank of Sweetwater Creek...[SEE POINT I] See November 18, 1902, Ward Field Notes.

MARCH 3, 1949

FIELD NOTES BY J. M. ARNETT, LICENSED STATE LAND SURVEYOR, FOR SCRAP FILE 14984, BEING 10.63 ACRES ADJOINING THE SOUTH LINE OF THE LITTLEFIELD SURVEY NUMBER 282. [SEE POINT L] *for recovered northeast corner of this.*

FEBRUARY 14, 1952

FIELD NOTES BY TALMADGE DEAN FOR 730.64 ACRES, UPON WHICH DEED OF AQUITTANCE WAS ISSUED FOR THE EDWARD DICKINSON SURVEY NUMBER 275. *Calls for parts of the East Boundary to run along a county road with the southeast corner at a fence corner. Then to run S 74°43' W with fence row for 1062.5 varas. Found this distance to measure 1058.77 varas.*

FEBRUARY 20, 1953

FIELD NOTES BY E. B. YEATTS, LICENSED STATE LAND SURVEYOR AS RECORDED IN VOLUME 5, PAGE C 323, FISHER COUNTY SURVEYORS RECORDS FOR 80 ACRES OUT OF THE NORTHEAST CORNER OF SAID BROWN SURVEY 285. "Beginning at the original northeast corner of survey No. 285, the northwest corner of Survey 284, a stake set by me on the south bank of Sweetwater Creek, from whence a 3-foot stump of a dead 12" Elm marked " X " brs S 74°30' W at 54 varas (old witness by J. Mc Donald, Deputy surveyor May 14, 1852)" [SEE POINT M] *See northwest corner of G. W. Peck 284 calls from Deed Records Volume 778, Page*

399, which call for a 2" pipe to bear 56' N 55°04' W from the original northwest corner of the Peck Survey 284 and the recovered 3' Elm Stump at S 74°.0' W at 150'. See Fisher County Surveyors Records also 80 acres Volume5, Page C322, and 100.84 Acre tract Volume5, Page C325.

JULY 28-30, 1980

FIELD NOTES BY EARL Mc CALEB, REGISTERED PUBLIC SURVEYOR, AS RECORDED IN VOLUME P, PAGE 391, JONES COUNTY SURVEYORS RECORDS FOR 568.4 ACRES OUT OF THE NORTHWEST PART OF THE MILEY SURVEY NUMBER 281. *These field notes generally follow fence line but do describe a portion of the lands now owned by Sojourner Enterprises.*

BY SURVEY

EDWARD DICKINSON 275 [D1028]

Original Field Notes by J. G. McDonald May 14, 1852

DAQ Field Notes by Talmadge Dean LSLS Feb. 14, 1952

See original northwest corner of this Dickinson Survey recovered by Martin Duvall, in Volume E, Page 13, Jones County Surveyors Records in field notes for the Mark W. Dikes Survey

JONES BOSTON 276 [3-1231]

Original Field Notes by J. G. McDonald May 14, 1852

See original northeast corner of this Boston Survey recovered by Martin Duvall, in Volume E, Page 13, Jones County Surveyors Records in field notes for the Mark W. Dikes Survey.

See Field Notes Volume K, Page 104, dated November 18, 1902 by D. R. Ward for survey of all of Boston Number 276, call south boundary line to measure 759 varas. See Point G, for recovered Southwest corner. See Point I, for recovered Northwest corner. Calls for east-west distance to be 759 varas. Per this survey I find this distance to be 758.448 varas.

See field notes Volume N, Page 307, dated June 11, 1935 by J M Arnett for all of Survey Number 276.

JAS. H. COLEMAN 277 [3-1230]

Original Field Notes by J. G. McDonald May 14, 1852

See field notes Volume N, Pages 12 & 137, dated July 8, 1927 by J M Arnett for 55 acre and 120 acre tracts out of the north part. Calls for Coleman Survey to be 764 varas east-west. Per this survey I find this distance to be 763.92 varas.

JOHN FENNEL 278 [1-1026]

Original Field Notes by J. G. McDonald May 14, 1852

See Corrected Field Notes by Maxey Sheppard, LSLS,

On General Land Office, Working Sketch Number 10, Fisher and Jones Counties, dated September 22-26, 1952. See statement in the Edward Miles Survey 219 by George F. Williams, Jones County Surveyor, January 6, 1890 "That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing" Indicates he recovered the northwest corner of this survey.

See original northwest corner of this Fennel Survey recovered by Martin Duvall, in Volume E, Page 13, Jones County Surveyors Records in field notes for the Mark W. Dikes Survey.

See Field Notes dated July 8, 1927, by J. M. Arnett for 127 acres Volume N, Page 9, 127 acres Volume N. Page 10, and, 142 acres Volume N, Page 11, of Jones County Surveyors Records. These indicate the east-west distance to be 720 varas. Find per this survey this distance to be 718.57 varas.

GABRIEL ZUMWALT 279 [3-1269]

Original Field Notes by J. G. McDonald May 14, 1852

See Corrected Field Notes by Maxey Sheppard, LSLS, Dated _____

On General Land Office, Working Sketch Number 10, Fisher and Jones Counties, dated September 22-26, 1952. See statement in the Edward Miles Survey 219 by George F. Williams, Jones County Surveyor, January 6, 1890 “ That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing” Calls to have recovered the northeast corner of this survey.

See original northeast corner of this Zumwalt Survey recovered by Martin Duvall, in Volume E, Page 13, Jones County Surveyors Records in field notes for the Mark W. Dikes Survey. I did not find any surveys made by County Surveyor in this Zumwalt Survey but do find the deeds to total an east-west call of 1002 varas. Find per this survey this east-west distance to be 1002.463 varas.

STEPHEN SCALLORNS 280 [2-473]

Original Field Notes by J. G. McDonald May 14, 1852

See Corrected Field Notes by Maxey Sheppard, LSLS, Dated _____

See field notes dated June 8-13, 1928, by J. M. Arnett for 400 acres, recorded in Volume N, Page 100, Jones County Surveyor's Records. Calls east-west distance to be 1020 varas. Per this survey find this distance to be 1019.905 varas.

I. MILEY SURVEY 281 [B-992]

Original Field Notes by J. G. McDonald May 14, 1852

See Corrected Field Notes by Maxey Sheppard, LSLS, Dated _____

See field notes dated September 16, 1926 by J. M. Arnett for (23 ¼ acre per Vol. 100, Pg. 4) out of the southeast corner of the Miley Survey. Calls to begin at Southeast corner with no monuments found or set.

On General Land Office, Working Sketch Number 10, Fisher and Jones Counties, dated September 22-26, 1952. See statement in the Edward Miles Survey 219 by George F. Williams, Jones County Surveyor, January 6, 1890 " That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing"

The west line of Survey 281 has long been recognized as running along a north-south road. At a point where this road turns easterly I recovered an 1" square head bolt generally in line with the centerline of roads running north and east. [SEE POINT N]. From this point established the west line of Miley 281 by running to a 2" iron pipe [SEE POINT O] recovered for corner of a 794 acre tract as first described in volume 123, page 474 and again in Volume 364, Page 502 of Jones County Deed Records. This pipe was recovered in the mid 50's by G. E. Chase under a wire fence line and later noted that the fence had been moved some 10' to the west. This pipe was again recovered and honored by Talmadge Dean, Registered Public Surveyor in 1976.

HRS WILLIAM LITTLEFIELD 282 [2-508]

Original Field Notes by J. G. McDonald May 14, 1852

Did not find any field notes made by County Surveyors for this survey. See field notes dated March 3, 1949 by J. M. Arnett for SF 14984 calling the south line of the Littlefield Survey to be 968 varas wide east-west. Per this survey I find this distance to be 969.2 varas.

HRS. ROBERT SPIERS 283 [B-1-1162]

Original Field Notes by J. G. McDonald May 14, 1852

No county surveyor's records found for this survey in either Jones or Fisher Counties. Oil & Gas lease from J. S. Swann to H. F. Gibson does include field notes describing the north 630.9 acres of the Spiers Survey 283, and calling the east-west dimension as 4037 feet or 1453.32 varas as compared to the patented 1444 varas. By sketch found in GLO 15411 made by R. A Ragland, Nolan County Surveyor along with corrected field notes dated November 2, 1982 for Section 24, Block 19, T. & P. RR Survey, this east-west distance is called 1515 varas. Per this survey I found this occupied east-west distance to be 1476.6 varas.

GEORGE W. PECK 284 [B-1-1137]

Original Field Notes by J. G. McDonald May 14, 1852

No county surveyor's records found for this survey. Deed as recorded in volume 329, page 248, Fisher County Deed Records does include metes and bounds description calling for a "2" iron pipe on the south bank of Sweetwater Creek from which point the original northwest corner of the Peck survey 284 bears S 55° 04' E at 56', from which northwest corner a 3' Elm stump (original witness) bears S 74°30' W at 150' [SEE POINT MJ] Note see February 20, 1953 field notes by E. B. Yeatts who set this pipe. This deed also calls the east – west dimension of the Peck survey to be 4415' or 1589.4 varas

as compared to the patented 1444 varas. By sketch found in GLO 15411 made by R. A Ragland, Nolan County Surveyor along with corrected field notes dated November 2, 1982 for Section 24, Block 19, T. & P. RR Survey, this east-west distance is called 1515 varas. Per this survey found this occupied east-west distance to be 1544.1 varas.

WILLIAM S. BROWN 285 [B-D-1124]

Original Field Notes by J. G. McDonald May 14, 1852

FIELD NOTES BY E. B. YEATTS, LICENSED STATE LAND SURVEYOR AS RECORDED IN VOLUME 5, PAGE C323, FISHER COUNTY SURVEYORS RECORDS, DATED FEBRUARY 20, 1953, FOR 80 ACRES OUT OF THE NORTHEAST CORNER OF SAID BROWN SURVEY 285. "Beginning at the original NE corner of survey No. 285, the NW corner of Survey 284, a stake set by me on the south bank of Sweetwater Creek, from whence a 3-foot stump of a dead 12" Elm marked "X" brs S 74°30' W at 54 varas (old witness by J.G. Mc Donald, Deputy surveyor May 14, 1852)" [SEE POINT M] See northwest corner of G. W. Peck 284 calls from Deed Records. See also 80 acres Volume 5, Page C322, and 100.84 Acre tract Volume 5, Page C325. In these notes Mr. Yeatts calls for east-west distance across the Brown Survey to be 994.7 varas as compared to patented 950 varas. By sketch found in GLO 15411 made by R. A Ragland, Nolan County Surveyor along with corrected field notes dated November 2, 1982 for Section 24, Block 19, T. & P. RR Survey, this east- west distance is called 960 varas. Per this survey I found this occupied east-west distance to be 1002.3 varas. Have honored a public road for the common line between the Brown and Davis surveys as called for by Mr. Yeatts and Mr. Simpson as well as the Paxton subdivision out of the Davis Survey.

WILLIAM H. DAVIS 286 [B-B-1124]

Original Field Notes by J. G. McDonald May 14, 1852

Field notes by Jas. Simpson, Nolan County Surveyor, as recorded in Volume ____, Page 129, Nolan County Surveyor Records, dated May 16, 1901 of 998 ¼ acres being the east

half and northwest quarter of the William Davis Survey Number 286. See also G. L. Paxton Subdivision of the Davis Survey 286, Surveyed 1905, and recorded in Nolan County.

North of Sweetwater Creek

WILLIAM HARRIS 217 [FS-3718]

Original Field Notes by J. G. McDonald May 14, 1852

SEE FIELD NOTES BY J. M. ARNETT, JONES COUNTY SURVEYOR, DATED JULY 10-11, 1923 FOR 351 ACRES THE SOUTH HALF OF THIS HARRIS SURVEY. *Does not identify any original corner but does call for east – west dimension as 1040 varas as compared to patented call of 950 varas.*

MARK W. DIKES 218 [Bex 1973]

Original Field Notes by J. G. McDonald May 14, 1852

On General Land Office, Working Sketch Number 10, Fisher and Jones Counties, dated September 22-26, 1952. See statement in the Edward Miles Survey 219 by George F. Williams, Jones County Surveyor, January 6, 1890 “That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing”

See Berry & Coggins Subdivision of the Robinson Pasture as surveyed by W. A. Riney October 1905, and recorded in Jones County Plat Cabinet 1, Slide 72. Plat indicates east-west dimension as 2295 varas as compared to patented 2016 varas per this survey. We found the north line of the Dikes survey to be 2275.848 varas.

See field notes by Martin Duvall, Jones County Surveyor, no date, and recorded in Volume E, Page 13, of Jones County Surveyors Records. "Beginning at a set stone on the north bank of Sweetwater Creek N 15° W from the original northwest corner of E. Dickinson Survey No. 275, of said northwest corner of No. 275 one old witness an Elm N 45° E 1 vara found standing, young Elm in corresponding position for Elm in original field S 58 ½° E at 9 varas. Thence N 15° W at 8921 varas to stake in shinnery. West peak in a clump of 3 peaks brs S 62°35' W and a lone peak bears S 77 ½° W. Thence S 75° W for 2152 varas to a stake, west point of Cedar Mt. at crest brs S 22°35' W, extreme east point of same mountain at crest brs S 9°20' E. Thence S 15° E..... at 10337 varas a stone slab set in the ground the above described corner is at a point N 15° W from the original NW corner of the John Fennel Survey No. 278, said NW corner identified by old witness standing, a mesquite 6" brs N 74° E at 24 varas. Thence down the river..... Both the southeast and southwest corners were searched diligently and neither stones nor evidence of witness trees were found.

EDWARD MILES 219 [Bex 1-974]

Original Field Notes by J. G. McDonald May 14, 1852

On General Land Office, Working Sketch Number 10, Fisher and Jones Counties, dated September 22-26, 1952. See statement in the Edward Miles Survey 219 by George F. Williams, Jones County surveyor, January 6, 1890 "That I have never found any of the original corners of the Edward Miles Survey, nor any other surveys on the north side of Little Elm Creek or Sweetwater Creek, but the new corners that I recognized to said Miles Survey were placed opposite the corners on the south side of said creek and that the original bearing trees to said surveys on south side of said creek are still standing and plainly showing".

See Berry & Coggins Subdivision of the Robinson Pasture as surveyed by W. A. Riney October 1905, and recorded in Jones County Plat Cabinet 1, Slide 72. Plat indicates east-west dimension as 3476.8 varas as compared to patented 3244 varas. Per this survey found to be 3475.256 varas.

Deeds and lines of occupation generally follow the Berry & Coggins Subdivision lines with-in the Dikes and Miles Surveys.

IN CONCLUSION

Being unable to recover any of the original McDonald corners marked some 157 years ago we must rely upon those surveyors who followed much closer to McDonald and their remaining documents and evidences. As stated earlier many of the deeds in these surveys include the discovered excess acreages but were never dealt with officially. They occupy and honor lines established by surveyors Williams, Ward, and Arnett and have been taken into consideration in the current reconstruction during this project. Particularly Surveyors Williams and Ward are to be honored for making some difficult decisions, many years ago in their construction of these McDonald surveys and the adjoining T. & P. RR. Surveys. See Surveyor Williams sketch in SF 984, the J. H. Grayson Survey Number 1. With the aforesaid the construction of the original surveys has become a Retracement Survey of the footsteps left by surveyors Williams and Arnett.

As evidenced in the proceeding report, all of the original McDonald river surveys along Sweetwater Creek (originally called Little Elm Fork of the Brazos) were excessive. I find that none of these surveys nor their adjoinders are shorted any acreage based upon the current construction and request your consideration of the same.

In discussion of Sweetwater Creek there is no evidence that it has changed course or location in many years. In fact over the past 50 years or so it appears to have cut deeper into the current channel not having the same flow as from years ago to support what was once a much larger stream. Upon walking and working along this stream it is still visible that in time of floods it still carries a lot of water and occasionally washes away some of the upper banks.

In an attempt to locate the common line between Jones and Fisher Counties I tried to trace the west line of Jones County as ran by Martin Duvall on March 24, 1882. To date have not recovered any of Mr. Duvall's monuments but did recover a 6" iron pipe set in a cotton field marked to be the common corner of Jones, Taylor, Nolan and Fisher Counties at Texas North Central Zone NAD 83 State Plane Coordinates N: 6877114.35, E: 1461124.57.

With thanks to the field crew of Keith Raybuck, RPLS, Monte Sheppard, Landon Merritt, records from Chase Surveying and the help of County Officials in Jones, Fisher and Nolan Counties, I would like to respectfully submit this report in support of the corrected field notes for the Fennel, Zumwalt, Scallorns and Miley Surveys in southwest Jones County, Texas.

*Maxey Sheppard
Licensed State Land Surveyor*

NOTE: All bearings and distances are GRID NAD 83, Texas Zone 4202, based upon OPUS Solution with a Combined Grid Scale Factor of 0.99990.

ADDENDUM

As stated above, and from the records of Jones County there is excess acreage as indicated by the work of surveyors down through the years and issuance of a DAQ in the Edward Dickenson Survey 275 fathor down stream. Also in some 27 plus years I have followed Surveyor Mc Donald, most all of his "river" surveys are excessive through out Taylor, Jones & Fisher Counties.

It was common practice for the railroad surveyors to recover as many Mc Donald corners as practical along a given stream, then determine an excess between these

corners. They would then, using this excess factor, compute the frontage along the stream and replace the missing front river corners accordingly. To establish lines of the McDonald survey they would begin at the down stream corner either recovered or computed and give that survey it's called (McDonalds call) distance back from the stream to establish the first back corner. In the case of the I. Miley

Survey Number 281 in this project from the established northeast (downstream corner) the east survey would run back at call bearing, called distance and establish the southeast corner of the Miley Survey. They would then turn 90° and run the south line until perpendicular to the established northwest or upstream corner. Hence generally we find that the downstream line running back from the stream will be at or close to the original McDonald called distance. Using this practice the railroad surveyors were first to mark the back corners of these river surveys.

Please follow on the attached "Exhibit 2, Southwest Jones County"; The first column gives the Survey Name with following lines labeled EBL for East Boundary Line, SBL for the South Boundary Line, and WBL for West Boundary Line.

Then next column labeled "McDonald" shows first the acreage called for by Mr. McDonald in his original field notes, next line the distance in varas for the EBL, next line distance in varas for SBL , next line distance in varas for the WBL.

The next columns labeled Williams, Ward, Arnett, and Other indicate calls from either of these surveyors or other documents found in the records from these surveys. The column labeled "Sheppard Surface" the findings for my retracement of this area. First line is the area found for the DAQ, which can be compared to the area as called for by Mr. McDonald. Second line is the measured surface distance from the selected stream bank to the reconstructed southeast corner of the survey. Third line is the found distance along the south line of this survey. Fourth line is the measured surface distance from the computed southwest corner of the survey to the selected stream bank.

The next column labeled "from selected bank excess %, difference". First line indicated my computed percentage of excess per area for each survey. Second line shows the difference between Mc Donald's call along the East Boundary Line (EBL) and my measured in varas. Third line shows the percentage of excess between Mc Donald's call on the south boundary line and my measured distance. Fourth line shows the difference between Mc Donald's call along the west boundary line and my measured in varas. Note the relationship between Mc Donald's call along the east boundary lines and my reconstructed corner in following the T&P Surveyors and Mr. Williams the 1880', County Surveyor. Neither the Railroad Surveyors nor County

Surveyor applied any excess factors for these north-south lines in establishing the back corner of the Mc Donald river surveys and their back ad joiners. The last column shows the computed length of the EBL and WBL if we apply the excess factor found in the east west direction. Note the very large differences. These distances would in no way conform with the corners established by the T&P Surveyors, and by the county surveyors, all of whose lines are in place, have been patented, relied upon for over 100 years and reconstructed in this current survey. An application of a mathematical percentage of excess in the north-south lines would not follow in the footsteps of the original surveyors.

As alluded to, but not stated, in the original report this survey of the Miley, Scallorns, Zumwalt, and Fennel Surveys is not only a retracement of surveyor Mc Donald but also the T&P surveyors and County Surveyor Williams.

Respectfully submitted



Maxey Sheppard, LSLS

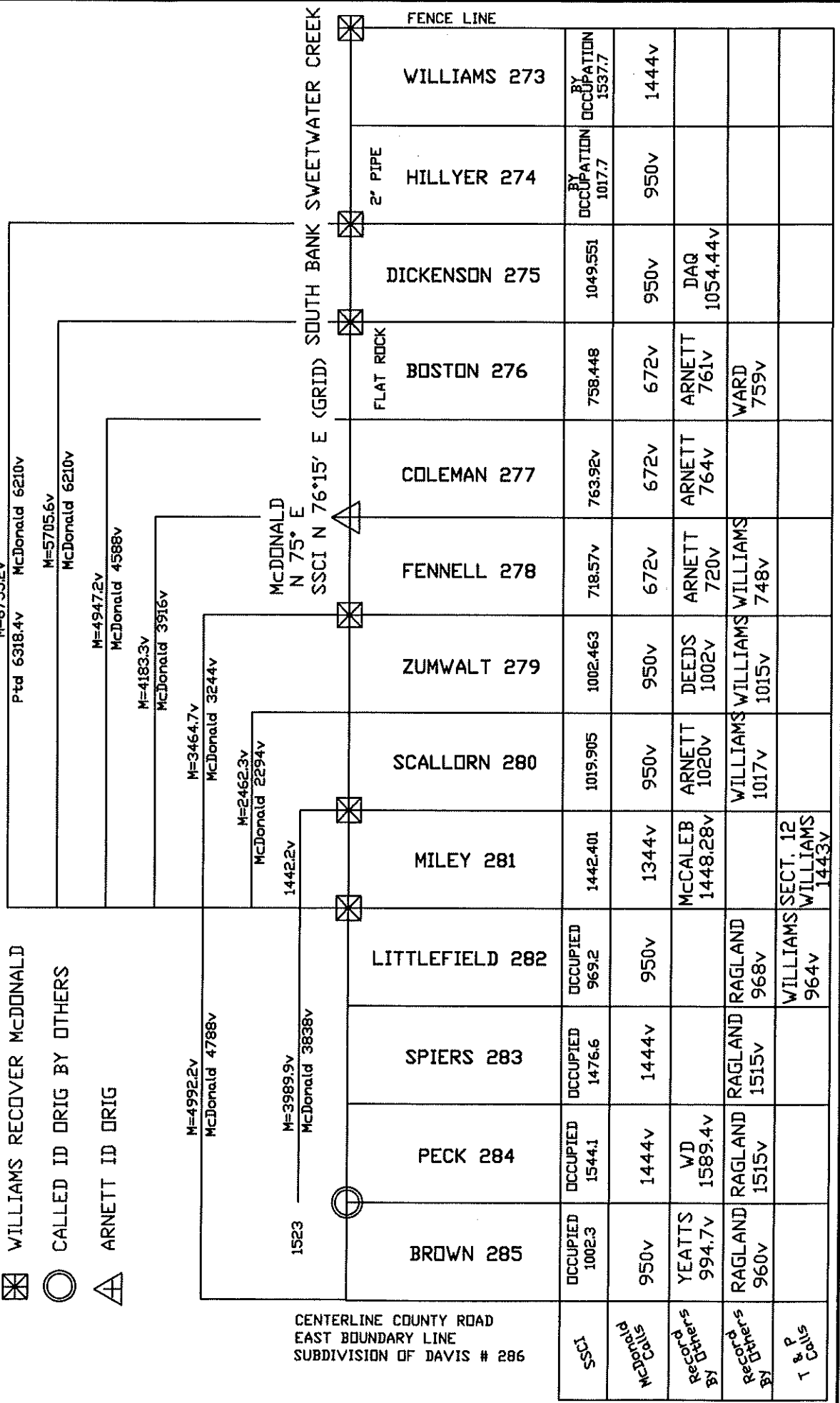
January 12, 2010

S:\C&Q SURVEY\BOUNDARY\JONES COUNTY\COUNTY\Sojoiner at Sweetwater Cr\GLO DAQ Survey VARAS\Survey Report
Fennel\Miley.doc



EXHIBIT 1 SOUTHWEST JONES COUNTY McDONALD CALLS VERSUS FOUND CALLS

- WILLIAMS RECOVER McDONALD
- CALLED ID ORIG BY OTHERS
- ARNETT ID ORIG



SSCI	OCCUPIED 1002.3	OCCUPIED 1544.1	OCCUPIED 1476.6	OCCUPIED 969.2	1442.401	1019.905	1002.463	718.57v	763.92v	758.448	1049.551	OCCUPATION 1017.7	OCCUPATION 1537.7
McDonald Calls	950v	1444v	1444v	950v	1344v	950v	950v	672v	672v	672v	950v	950v	1444v
Recorders by	YEATTS 994.7v	WD 1589.4v	RAGLAND 1515v	RAGLAND 968v	MCCALEB 1448.28v	ARNETT 1020v	DEEDS 1002v	ARNETT 720v	ARNETT 764v	ARNETT 761v	DAQ 1054.44v		
Recorders by	RAGLAND 960v	RAGLAND 1515v	RAGLAND 1515v	WILLIAMS 964v		WILLIAMS 1017v	WILLIAMS 1015v	WILLIAMS 748v	WILLIAMS 748v	WARD 759v			
T & Call					SECT. 12 WILLIAMS 1443v								

93319

COMMENTS

Excess Comparisons

JOB Sojourner Sweetwater Cr
 County Jones
 Date 07/14/09
 PAGE OF

EXHIBIT 2 SOUTHWEST JONES CO

Survey	McDonald	Williams	Ward	Arnett	Other	Sheppard Surface	from selected bank Excess % difference	Dimensions using E- W Excess %
Wiley 281	1280 AC					1395.1 AC	0.0850%	
EBL	6351					6335.8y	+ 15.2v	6795.6
SBL	1344				1443	1443.7	1.073%	
WBL	4401					4428.7	+ 27.7v	4709.1
Scallops 280	640 AC					681.7 AC	0.0746%	
EBL	4170					4166.9y	- 3.1v	4461.9
SBL	950	1017			1020	1020.1	1.073%	
WBL	3430					3423.8	- 6.2v	3670.1
Zurwalt 279	640 AC					688.5 AC	0.0630%	
EBL	3920					3903.0	- 17v	4135.6
SBL	950	1015				1013.9	1.055%	
WBL	3680					3714.6	+ 34.6v	3882.4
Fennel 278	369 AC					402.5 AC	0.0797%	
EBL	3367					3354.3	- 12.7v	3599.3
SBL	672	728			720.5	718.7	1.069%	
WBL	2833					2837.2	+ 4.2v	3028.5
Coleman 277	320 AC					did not run meander		
EBL	2848					2870.0	+ 22v	3246.7
SBL	672				764	766.3	1.140%	
WBL	2553					2404.5	- 15.35v	2916.1
Boston 276	320 AC					382.1 AC	did not run meander	
EBL	2888	2888				2887.0	- 1v	3234.6
SBL	672	759				758.2	1.120%	
WBL	2488	2445				2445.2	- 42.8v	2786.6

No. 100519
FILED FOR RECORD
AT 9:45 O'CLOCK A M
ON THE 25 DAY OF
Feb A.D. 2010.

Julia McCray
Julia McCray County Clerk, Jones County, TX
BY _____ Deputy



STATE OF TEXAS
COUNTY OF JONES

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Jones County, Texas.

Julia McCray
Julia McCray, County Clerk, Jones County, Texas
OFFICIAL PUBLIC RECORDS
VOL 9 PAGE 506
RECORDED 2-25-10



Surveyors Record

FILED AND RECORDED-OFFICIAL PUBLIC RECORDS
ON: 2-29, 2010 AT 11:30 A.M.
Document # Vol 6 Pg 174
34 Pages

PAT THOMSON, COUNTY CLERK
FISHER COUNTY, TEXAS