

SURVEY REPORT

January 14, 2013

The land on which the survey work was performed is situated in Frio County, Texas, approximately ten miles on an approximate course of N 22 ½° E from the city of Pearsall the County Seat of Frio County, Texas, and was performed at the request of Sally A. Sherman representing Fidelity National Title Group the address for which is 2111 S 67th Street, Suite 210, Omaha, NE 68106 to determine the quantity of unsold public free school land within Texas Central Railway Company Survey 2 (S-37280) as originally surveyed by W. W. Haynes on November 25, 1881 as 640 acres. It was relayed to me that the intent of Fidelity National Title Group is to file application to purchase the unsold portion of the subject original survey in order to satisfy a title policy claim.

Subject Survey 2 is contained within and is a part of that same certain Deed to Julian W. Kubeczka and wife, Pearlle A Kubeczka as found of record in Volume 0069, Pages 100-126 of the Official Public Records of Frio County, Texas.

Subsequent to the original W. W. Haynes survey this subject Survey 2 was split into three separate abstracts being Abstract No. 1376, called the West Part of Section 2 containing 240 acres; Abstract 1470, called the South ½ of the East part of Section 2 containing 200 acres; and Abstract No. 1471, called the North Part of the East part of Section 2 containing 200 acres.

My retracement survey of the entire subject Survey 2 results in an actual total acreage within the three abstracts of 721.83 acres of which 3.36 acres is included within and a part of Abstract No. 1376 is located within and in conflict with the chronologically senior Henry Maney, Jr. Survey 14 (S-40245), Abstract No. 1327, and 9.84 acres in conflict with Austin Obtiz Survey 2, Abstract No. 966. The resultant acreage within the entire original subject Survey 2 that is not in conflict with a senior survey is therefore 708.62 acres.

Original surveys in this immediate area that adjoin and/or overlap subject Survey 2 are Rusk Transportation Survey Company Survey 13 (S-17007), Abstract No. 590; John W. Thomson Survey 70/4 (B-2390), Abstract No. 1067; August Obitz Survey 2 (9389), Abstract No. 966; Texas Central Railway Company Survey 1 (S-37280), Abstract No. 919; G. C. & S. F. Railway Company Survey 1 (051360), Abstract No. 1051 and Charles Monagel Survey 2 (50665), Abstract No. 1377.

Prior to commencing the field survey I acquired working sketches along with a copy of the Official County Map and copies of the original and patent field notes from the Texas General Land Office for our use in conjunction with this project. Other source documents included the deeds, ownership maps, topographic maps and aerial photography of the subject tracts and surrounding area.

Field control surveying utilized state-of-the-art Trimble Global Positioning System equipment and software and the project control station's geographic positions and rectangular coordinates were established by static control methodology utilizing the Texas Coordinate System, North American Datum 1927, Texas South Central Zone. Both Real Time Kinematics G.P.S. and conventional surveying methodology was extended from the control stations to the various original corner and boundary corner locations. Original corners search procedures and authentic corner recognition was performed by me and partly with the assistance of my son Lance W. Smyth who is highly experienced in this process.

An extensive original corners search was made in pursuit of recovery of the actual corners and/or the witness objects that would lead to the corners of the subject and immediately surrounding tracts. This search was conducted over the accessible area after I had developed search ring areas and the search resulted in the following limited findings:

File No. SKETCH FILE 23
FRIO COUNTY
Surveyor's Report Accompanying Rld. Sk. 27
DATE FILED: Feb. 6, 2018
BY: George R. Bush, Commissioner
Douglas Howard

1. One of the two live oak trees marking the northeast corner of the adjoining John W. Thomson Survey 70/4, Abstract No. 1067 surveyed by the same W. W. Haynes on November 25, 1881 on June 4 & 5, 1885. This tree appears to be alive and healthy and is still standing.
2. A second growth mesquite tree at the original location of the tree marked as witness to the south or southeast corner of subject Survey 2 (14345), Abstract No. 1470. This tree is at or very near the record passing call to "Horse Creek".
3. The perpetuated original northeast corner of subject Survey 2 as found by surveyor A. L. Curtis in January, 1907, record of which can be found in Volume 0036, Page 023 of the Frio County Records and was also later located by Frank Schorp, County Surveyor of Frio County as being located north 16.9 varas north of the long standing fence corner post.
4. The south corner of Rusk Transportation Company Survey 11, Abstract No. 599 was established from a second growth mesquite tree found bearing S 49° 28' 15" W at 220 varas from said corner and supported by being located 1080 varas northeast of a small unstable creek cited as being at 1045 varas in the original field notes.

With the foregoing evidence and by reversing the original field note calls to provide course and distance from the witness trees located to the corners we found that the general configuration conforms reasonably well with the area as depicted by the official county map and the sketches shown on the original field notes of surveys in the area. Unsold public school land affecting my client's interest apparently exists within the confines of original subject survey 2.

My construction for these surveys based on the evidence as stated is as follows:

We first projected a line from a ½" diameter steel stake set at the perpetuated northeast corner of subject Survey 2 (Item 3 cited above) on a grid course of S 04° 23' 42" W and at 16.9 varas passing the long standing fence corner post and continuing along the same course along the deeded boundary and generally with the occupied fence, at 3367 varas crossing "Horse Creek" and continuing along the same course for a total distance of 3536.30 varas to a steel stake set for the south or southeast corner of said subject Survey 2 from which corner a second growth mesquite (Item 2) at what I believe to be the location of the original witness tree location bears N 57° W at 7.2 varas and also from which corner the occupied fence corner post located at or near the southwest corner of adjoining T. C. Railway Company Survey 2, Abstract No. 919 bears S 04° 21' 26" W at a distance of 222.85 varas. This conforms well to the A. L. Curtis January 1907 survey whereby he cited the dimension of the west line of said Survey 2 at 3757 varas and my survey as located indicates a measure of the same line at 3759.15 varas.

From this corner we turned the original field note cited angle of 49° 25' 00" to the left or counterclockwise from the east line of subject Survey 2 as established resulting in a course of N 45° 01' 18" W and measured along the northeast lines of G. C. & S. F. Railway Company Survey 1, Abstract No. 1051 and Charles McMonagel Survey 2, Abstract No. 1377 for the called distance of 1823 varas where we set a steel stake for the southwest corner of the subject survey 2 at the south corner of a small triangular area (approximately 0.62 acre) that appears to be a vacancy between the subject survey 2 and Rusk Transportation Company Survey 13, Abstract No. 590.

We then proceeded on a course of N 04° 23' 42" W parallel to the east line of subject Survey 2, and with the east line of said apparent vacancy area, at 118.95 varas crossing the southeast line of and into chronologically senior Rusk Transportation Company Survey 13, Abstract No. 590 at the north corner of the apparent vacancy at a point N 44° 58' 15" E at a distance of 3589.27 varas from the south corner of Rusk Transportation Company Survey 11, Abstract No. 588 (Item 4) and continuing along the same course at 396.40 varas from the southwest corner of subject Survey 2 we crossed the northeast line of said Rusk Transportation Survey 13 with said point being the south corner of John W. Thomson Survey 70/4, Abstract No. 1067 and continuing along the common line between the herein described subject Survey 2 and said John W. Thomson Survey 70/4 for a total distance of 2350.34 varas to a steel stake set for the northwest corner of subject survey 2.

Turning 90° and continuing with the common line of said Survey 70/4 for a distance of 368.47 varas to a steel stake set on the west line of August Obitz Survey 2, Abstract No. 365 and an exterior corner of said John W. Thomson Survey 70/4 from which point the most northern

northeast corner of said John W. Thomson Survey 70/4 as determined from the found one of two original live oak witness trees bears N 04° 30' E at a distance of 3627.15 varas (record 3681 varas) and N 85° 30' W at a distance of 238.00 varas.

We then turned to a course of S 04° 30' 00" W and measured 53.676 varas where we set a steel stake for the southwest corner of said August Obitz Survey 2 and are-entrant corner of subject survey 2

From this corner we turned to a course of S 85° 29' 37" E and measured a distance of 1384.64 varas to the place of beginning.

This construction results in a total acreage of 721.84 acres within the original subject survey 2 of which 3.37 acres is in conflict with senior Rusk Transportation Company Survey 13 and 9.84 acres in conflict with Austin Obtiz Survey 2 thus leaving a net acreage of 708.63 acres. Records reflect that the sum of the three abstracts that currently comprise subject Survey 2 is a total of 640 acres and the acreage originally thus cited have been paid for in full for each of the three abstracts based on this quantity of total acreage. However, the actual acreage that is not in conflict with a senior survey according to my survey as stated above is 708.63 acres. Therefore the quantity of available unsold land within original Survey 2 is 68.63 acres.

This concludes my report of the survey and my conclusions based on evidence found to date. It is my opinion that we have exhausted the possibility of discovering other corners that would impact our construction. Please review the included sketch of the survey and the foregoing information to determine if you concur with my construction and advise me as soon as possible so that I can inform my client on the steps to complete this process. Please contact me at the above captioned address and telephone numbers if you have questions or need further information.

Respectfully Submitted,



D. G. Smyth
Licensed State Land Surveyor