



REPORT OF A SURVEY MADE BY REQUEST OF FIRST FINANCIAL TRUST DEPARTMENT FOR THE MIDDLETON ESTATE, REQUESTING FIELD NOTES FOR THE PATENT OF THE NORTH PART OF THE SOUTHWEST QUARTER OF SECTION 24, BLOCK 5, S. P. RAILROAD COMPANY, CALLAHAN COUNTY, TEXAS AND BEING ABOUT 21 MILES S 26 ° E, FROM BAIRD, THE COUNTY SEAT OF CALLAHAN COUNTY. SAID LAND BEING CALLED 194.0 ACRES IN LAND AWARD AND RECEIPT FROM THE GENERAL LAND OFFICE TO MARJORIE M. MIDDLETON, (FILE NO. 154635) AS RECORDED IN VOLUME 8, PAGE 881, OFFICIAL PUBLIC RECORDS OF CALLAHAN COUNTY, TEXAS

HISTORICAL

OCTOBER 1857

FIELD NOTES BY A. HORNSBY, DEPUTY SURVEYOR OF TRAVIS DISTRICT, FOR THE E. SWEARENGEN SURVEY 763, (A-310).

DECEMBER 1857

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE V R C AVERY SURVEY NUMBER 766 (A-7).

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE MARY COLLINS (ANTHONY) SURVEY NUMBER 767 (A-5).

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE GEORGE CLICK SURVEY NUMBER 760 (A-109).

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE JUAN DELGADO SURVEY NUMBER 762 (A-125).

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE JACOB TRASK SURVEY NUMBER 761 (A-376).

File No. Sketch File 27

Callahan County

Report of Survey of the N part of the Southwest quarter of sect. 24, Blk. 5, S.P. Ry. Co.

Date Filed: 4-1-2013

Jerry Patterson, Commissioner

By Douglas Howard



SEPTEMBER 1858

FIELD NOTES BY RUEBEN HORNSBY, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR THE MORGAN L. SMITH SURVEY NUMBER 765 (A-306).

FEBRUARY - JULY 1860

FIELD NOTES BY Wm. ARMSTRONG, DEPUTY SURVEYOR OF TRAVIS LAND DISTRICT, FOR EBENEZER S. HEATH SURVEY NUMBER 796 (A-222); JAMES DRAKE SURVEY NUMBER 780 (A-127).

NOVEMBER 1873

FIELD NOTES BY W. C. POWELL, DEPUTY SURVEYOR OF PALO PINTO DISTRICT, FOR THE S. & P. RAILROAD COMPANY, BLOCK 5.

AUGUST 1874

FIELD NOTES BY J. C. DAVIDSON, EASTLAND DISTRICT SURVEYOR, FOR THE LEVI P. SCOTT SURVEY (A-301).

DECEMBER 1874

CORRECTED FIELD NOTES BY J. E. GOLD, EASTLAND COUNTY SURVEYOR, FOR SECTION 21, BLOCK 5 S. P.RY (A-361).

FIELD NOTES BY J. C. DAVIDSON EASTLAND DISTRICT SURVEYOR FOR THE G. D. SPOTSWOOD SURVEY (A-313).

MAY 1885

FIELD NOTES BY THOMAS A. FLOYD, CALLAHAN COUNTY SURVEYOR, FOR THE A. W. BOOTH SURVEY (A-1159).

MARCH 1887

CORRECTED FIELD NOTES BY THOMAS H. FLOYD, CALLAHAN COUNTY SURVEYOR. FOR THE J. H. HARRIS SURVEY (A-1334).



JULY 1888

CORRECTED FIELD NOTES BY THOMAS H. FLOYD, CALLAHAN COUNTY SURVEYOR. FOR THE S. W. ROUNTON SURVEY (A-1238)

FEBRUARY 1889

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR, FOR THE E. E. MILLER SURVEY (A-913).

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR, FOR THE DAVID WINDSOR SURVEY (A-1587).

JUNE 1892

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR, FOR THE L. N. LACY SURVEY (A-1485).

SEPTEMBER 1882

FIELD NOTES BY THOS. H. FLOYD, CALLAHAN COUNTY SURVEYOR, FOR THE T. J. SMITH SURVEY (A-931).

NOVEMBER 1892

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR, FOR THE NORTHWEST QUARTER OF SECTION 24, BLOCK 5 (A-1297).

JUNE 1900

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR FOR, SF 132, R. CORDEVENT, (A-1841).

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR FOR, SF 107, (A-1871).

FIELD NOTES BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR FOR, SF 133, R. CORDEVENT, (A-1842).

DECEMBER 1905

FIELD NOTES BY THOS. H. FLOYD, CALLAHAN COUNTY SURVEYOR FOR THE NORTHEAST QUARTER OF SECTION 24, BLOCK 5 (A-1240).

AUGUST 1908

SURVEY REPORT BY T. H. FLOYD, CALLAHAN COUNTY SURVEYOR REGARDING THE LOCATION OF SECTION 24, BLOCK 5.

AUGUST 1926

PLAT BY J. F. AL. SCHLUETER, SURVEYOR, SUBDIVIDING PART OF THE C. M. CALDWELL RANCH. See Callahan County Deed Records, Volume 112, Pages 152 - 154

MAY 10- JUNE 6, 1944

CORRECTED FIELD NOTES MADE BY JOHN A. WHITE, LICENSED STATE LAND SURVEYOR, FOR THE CALDWELL RANCH INCLUDING SECTIONS 16; 20; 21; 22; THE SOUTH PART OF SECTION 24 AND NORTHWEST QUARTER OF SECTION 24;... SCRAP FILE 133; THE E. S. HEATH SURVEY NUMBER 796; GEORGE CLICK SURVEY 760; H. KLASING SURVEY (A-259)

SEE ALSO SURVEYORS REPORT AND CALLAHAN COUNTY ROLL SKETCH FILE NUMBER 11.

THE SENIOR SURVEYS IN THE AREA, CLICK # 760, TRASK # 761, DELGADO # 762, SWEARENGEN # 763, SMITH # 765, V.R.C. AVERY # 766 AND ANTHONY # 767, ALL SURVEYED BY THE TRAVIS LAND DISTRICT, APPEAR TO HAVE BEEN SURVEYED ON THE GROUND, WITH EACH HAVING CALLED FOR CORNER MONUMENTS WITH WITNESS TREES AND PASSING CALLS ON CREEKS. NOTE: IN FEBRUARY 1890, SURVEYOR E. B. DURHAM SUBDIVIDED THE DELGADO SURVEY NUMBER 762, PLACING SET STONES AT EACH SUBDIVISION CORNER.



LATER MR. ARMSTRONG, ANOTHER TRAVIS DISTRICT SURVEYOR, LOCATED THE SURVEYS TO THE SOUTH AND WEST OF THE AREA OF CONCERN INCLUDING THE HEATH SURVEYS #796 (-222)-797, DRAKE #780 (A-127) AND LARKIN #781 (A-264).

THE 1873 FIELD NOTES BY W.C POWELL FOR THE S. P. RR BLOCK 5, ALSO APPEARS TO HAVE BEEN RAN OUT ON THE GROUND INCLUDING SOME CORNERS MARKED WITH STONE MOUNDS, WITH BEARING TREES AND OCCASIONAL CREEK PASSING CALLS. THESE NOTES DO NOT INCLUDE ANY ADJOINER CALLS EXCEPT AT THE NORTHWEST CORNER OF THE V. R.C. AVERY SURVEY AT THE NORTHEAST CORNER OF SECTION 21, BLOCK 5, WHICH WAS LATER PULLED NORTH OF THE NORTHWEST CORNER OF THE AVERY SURVEY SOME 58 VARAS IN CORRECTED FIELD NOTES, BY EASTLAND DISTRICT SURVEYOR J. E. GOLD.

OTHER THAN ATTEMPTS BY SEVERAL COUNTY SURVEYORS TO FILL IN THE VOIDS BETWEEN SENIOR SURVEYS AND THE S. P. BLOCK, VERY LITTLE HAS BEEN DONE IN THE AREA. FROM SURVEY REPORT REGARDING LOCATION OF THE WEST LINE OF SECTION 24, BLOCK 5, FROM CALLAHAN COUNTY SURVEYOR T. H. FLOYD, DATED AUGUST 4, 1908, HE QUOTES "I WILL STATE FURTHER THAT ALL OF THE SURROUNDING SURVEYS ARE FENCED AND THERE IS NO CONTROVERSY BETWEEN PARTIES, THERE IS A CONSIDERABLE EXCESS IN THE EASTING AND WESTING OF THESE SURVEYS AS I FOUND THEM 25 YEARS AGO IN GETTING A PATENT FOR THE T. J. SMITH SURVEY"

WITH THE LARGE DIFFERENCES IN DISTANCES BETWEEN CALLS BY MR. WHITE AND THE MEASUREMENTS MADE DURING THIS SURVEY, I HAVE TIED THE PHYSICAL OBJECTS MR. WHITE CALLED FOR TO ORIGINAL CORNERS OF THE SENIOR SURVEY IN THE AREA.

I RECOVERED A ½" REBAR AT A VERY OLD FENCE CORNER FOR THE SOUTHWEST CORNER OF THE DELGADO SURVEY NUMBER 762 AND VERIFIED THIS LOCATION BY LOCATING THE NORTHWEST AND MOST EASTERLY SOUTHEAST CORNER OF THE NESSMITH SURVEY TO THE SOUTHEAST. I ALSO FOUND THIS REBAR TO CONFORM TO THE CALLS OF THE SUBDIVISION OF THE DELGADO BY SURVEYOR DURHAM.

FROM THIS SOUTHWEST CORNER OF THE DELGADO I FIND A GOOD SIZED CREEK RUNNING SOUTHWEST TO NORTHEAST AT 151 VARAS, WHERE MR HORNSBY CALLS FOR CREEK AT 145 VARAS. MR. HORNSBY CALLS FOR THE SOUTHEAST CORNER OF THE SWEARENGEN SURVEY NUMBER 763 TO BE 1150 VARAS NORTH OF THE SOUTHWEST CORNER OF THE DELGADO AND FROM WHICH SOUTHEAST CORNER OF THE SWEARENGEN SURVEY A



15" OAK TREE BEARS NORTH AT 113 VARAS. TOTALING SAID CALLS OF 1150 VARAS PLUS 113 VARAS FOR A TOTAL OF 1263 VARAS, I FIND A 26" OAK TREE AT 1270.791 VARAS NORTH OF THE ½" REBAR RECOVERED FOR THE SOUTHWEST CORNER OF THE DELGADO SURVEY, WITH WIRE SOME 6" INTO THE TREE.

RUNNING SOUTH FROM THIS OLD TREE I FIND A FENCE RUNNING EAST AT 67.8 VARAS OR 1203.1 VARAS NORTH OF THE SOUTHWEST CORNER OF THE DELGADO SURVEY, WHERE MR. DURHAM CALLED THE WEST LINE OF SUBDIVISION NUMBER 5 TO BE 1200 VARAS. FROM THIS SAME FENCE CORNER I FIND A VERY OLD FENCE LINE RUNNING WEST THE OCCUPIED SOUTH LINE OF THE SWEARENGEN SURVEY AND NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24, BLOCK 5. MEASURING CALLED 113 VARAS SOUTH OF SAID RECOVERED TREE AND AROUND THE NORTHEAST QUARTER OF SAID SECTION 24 I CAN FIND NONE OF THE SET STONES CALLED FOR BY MR. FLOYD IN HIS FIELD NOTES. WHILE THIS TREE APPARENTLY HAS THE AGE TO BE MR. HORNSBY'S WITNESS TREE IT HAS NOT BEEN HONORED BY THOSE SURVEYORS LOCATING THE E. SWEARENGEN SURVEY NUMBER 763, NOR THE NORTHEAST QUARTER OF S.P. RR SECTION 24, BLOCK 5. I BELIEVE THAT YEARS AGO AND SINCE, THIS NORTHWEST CORNER OF SUBDIVISION NUMBER 5 OF THE DELGADO HAS BEEN HONORED FOR THE SOUTHEAST CORNER OF THE SWEARENGEN SURVEY AND NORTHEAST CORNER OF SAID SECTION 24. THIS IS ALSO INDICATED BY MEASURING THE OCCUPIED EAST AND WEST LINE OF THE SWEARENGEN SURVEY WHICH ARE SOME 20 AND 44 VARAS LONG OF CALL.

THE NORTHEAST QUARTER OF SECTION 24 IS LOCATED ON FIELD NOTES BY THOMAS H. FLOYD, CALLAHAN COUNTY SURVEYOR, DATED DECEMBER 1905. THESE NOTES CALL TO BEGIN AT THE SOUTHEAST CORNER OF THE SWEARENGEN SURVEY NUMBER 763 AND RUN WITH EACH LINE CALLED 950 VARAS. IT APPEARS THAT MR. FLOYD MUST HAVE MISTAKEN THE NORTHWEST CORNER OF SUBDIVISION 5 OF THE DELGADO SURVEY FOR THE SOUTHEAST CORNER OF THE SWEARENGEN SURVEY. HAVING SEARCHED FROM BOTH THE POSITION CALLED FOR AT 1150 VARAS NORTH OF THE SOUTHWEST CORNER OF THE DELGADO SURVEY AND THE NORTHWEST CORNER OF SAID SUBDIVISION 5 OF THE DELGADO SURVEY, THE ONLY EVIDENCE IS AN ANCIENT FENCE LINE AGREEING WITH THE POINT OF BEGINNING BEING AT THE NORTHWEST CORNER OF SAID SUBDIVISION 5.

NEXT SURVEYED IN SECTION 24, BLOCK 5, WAS THE NORTHWEST QUARTER OF SAID SECTION 24 SURVEYED BY M. R. HAILEY, CALLAHAN COUNTY SURVEYOR IN 1892. THE POINT OF BEGINNING WAS IN ERROR AS

HE CALLED FOR THE NORTHWEST CORNER OF SECTION 24 TO BE COMMON WITH THE NORTHEAST CORNER OF SECTION 23, WHILE MR. POWELL CALLED FOR THESE TWO CORNERS TO BE SEPARATED SOME 334 VARAS NORTH-SOUTH. THIS WAS LATER CORRECTED BY FIELD NOTES BY MR. WHITE IN HIS DEED OF AQUITTANCE FIELD NOTES FOR THIS PART OF SECTION 24.

THE MOST NORTHERLY NORTH LINE OF SAID SECTION 24 WAS CALLED 687 VARAS BY MR. POWELL AND BY MR. HAILEY. THE DEED OF AQUITTANCE, BASED UPON MR. WHITE'S FIELD NOTES, CALL THIS SAME LINE TO BE 997.27 VARAS, FOR A DIFFERENCE OF SOME 310.3 VARAS. HONORING THE WEST LINE OF SAID SECTION 24 RE-ESTABLISHED BY MR. WHITE'S CALLS FOR OLD FENCE LINES, I MEASURE THIS SAME LINE TO BE 856.263 VARAS.

MR. WHITE PREPARED CORRECTED FIELD NOTES FOR SEVERAL SURVEYS IN THE IMMEDIATE AREA INCLUDING THOSE FOR DEEDS OF AQUITTANCE FOR THE E. S. HEATH SURVEY NUMBER 796, THE K R KLASING SURVEY, SECTIONS 16, 21 AND 22 OF BLOCK 5, PLUS THE NORTHWEST QUARTER OF SECTION 24 FOR DEED OF AQUITTANCE AND PATENT FOR THE SOUTH PART OF SAID SECTION 24, BLOCK 5.

I BEGAN BY REVIEWING THE JOHN WHITE FIELD NOTES AND ROLL SKETCH NUMBER 1. ON THIS SKETCH HE INDICATES THE FOLLOWING:

- E. S. SWEARENGEN SURVEY:  
SOUTH & WEST LINES OCCUPIED BY FENCES.
- M. L. SMITH SURVEY:  
NORTH, WEST AND SOUTH LINES OCCUPIED BY FENCE.
- E. S. HEATH SURVEY 796:  
SOUTH LINE AND PART OF THE EAST LINE OCCUPIED BY FENCE.
- S. W. ROUTHON SURVEY:  
SOUTH LINE AND PART OF THE NORTH LINE OCCUPIED BY FENCE
- SECTION 24..... NORTHWEST QUARTER (SEE DAQ):  
NORTH, EAST AND SOUTH LINE OCCUPIED BY FENCE.
- SECTION 24 .... SOUTH PART (SEE WHITE FIELD NOTES FOR PATENT)  
NORTH AND EAST LINE OCCUPIED BY FENCE.



- SECTION 24 .... PART NOT OWNED BY CALDWELL (SUBJECT TRACT) NORTH, SOUTH, EAST AND WEST LINES OCCUPIED BY FENCE. NOTE: IN ADJOINING LINES HE CALLS FOR FOLLOWING FENCE LINE FOR THE NORTH AND SOUTH LINES OF THIS TRACT NOT OWNED BY CALDWELL, BEING THE SUBJECT TRACT OF THIS SURVEY.

NOTE: THAT THE COMMON LINE BETWEEN SECTIONS 23 & 24 AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 ARE DEED LINES BETWEEN THE MIDDLETON, CADDO PEAK RANCH AND BECKHAM, SPRING GAP RANCH.

UPON COMMENCING FIELD WORK WE BEGAN SEARCHING FOR STONE MOUNDS CALLED FOR BY MR. WHITE, CORNER MONUMENTS AND TYING EXISTING FENCE LINES AND RECOVERING EVIDENCE OF OLD ABANDONED FENCE LINES ON THE SOUTH LINE OF SUBJECT TRACT AND AN OLD FENCE LINE ON THE WEST PART OF THE NORTH LINE OF SUBJECT TRACT WITH A FEW REMAINING POST FOLLOWING THE EAST PORTION OF THIS NORTH LINE.

AS CAN BE SEEN BY THE ATTACHED SKETCH, ALMOST NONE OF THE DISTANCES CALLED FOR BY MR. WHITE CAN BE FOLLOWED AND NONE OF THE CALLED FOR ROCK MOUNDS FOR CORNERS CAN BE FOUND. MOST OF THIS COUNTRY HAS BEEN DOZED AT LEAST ONCE IF NOT TWICE CLEARING CEDAR AND MAY HAVE DESTROYED THESE MONUMENTS OR THEY WERE NEVER SET.

IN SECTION 24, BLOCK 5, MR. WHITE CALLED FOR THE NORTHWEST QUARTER TO CONTAIN 229.46 ACRES WHERE I FIND 203.68 ACRES. FOR THE SOUTH PART OF SAME, MR. WHITE CALLS FOR 226.56 ACRES WHERE I FIND 154.67 ACRES. MUCH OF THIS DIFFERENCE IN SAID SOUTH PART OF SECTION 24 IS DUE TO MR. WHITE'S LOCATION OF THE ROUNTON SURVEY WHICH HE PLACES TOO FAR SOUTH AND OVERLAPPED ITS TRUE LOCATION AS SHOWN ON ACCOMPANYING SKETCH.

FOR THE BOUNDARIES OF THE NORTHWEST PART OF THE SOUTH PART OF SAID SECTION 24, BLOCK 5, I HAVE TRIED TO HONOR THE FOOTSTEPS OF MR. WHITE WHOSE WORK TOOK PLACE IN BOTH THE NORTHWEST QUARTER OF SECTION 24 AND IT'S SOUTH PART.

USING MR. WHITE'S CALLS, THE GENERAL LAND OFFICE CALCULATED THE AREA FOR THE NORTH PART OF THE SOUTH PART OF SAID SECTION 24, BLOCK 5 AS 194.0 ACRES AS SHOWN BY LAND AWARD FILE NUMBER 154635, DATED OCTOBER 19, 1992. PER THIS CURRENT SURVEY I FIND THIS SAME TRACT TO CONTAIN 154.20 ACRES OF LAND, WHICH THE MIDDLETON






ESTATE WISHES TO APPLY FOR A PATENT BASED UPON MY SUBMITTED  
FIELD NOTES, SEE ENCLOSED.

AS SURVEYED BETWEEN MARCH AND OCTOBER, 2010

RESPECTFULLY SUBMITTED



MAXEY SHEPPARD,  
LICENSED STATE LAND SURVEYOR

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