



D. G. Smyth & Co., Inc.

1022 Garner Field Road, Suite D
Uvalde, TX 78801



(830) 591-0858
(830) 591-0863 Fax

Statewide Land Surveying Service

File No. SketchFile 22

SKETCH FILE NO. 22

See Rolled
Sketch 22

Medina County
Excess Acreage in: Bex. P-5606, Bex. S-21658,
Bex. B-2123, Bex. 3-1266

SURVEY REPORT (August 20, 2007)

Date Filed: Nov. 7, 2007

Jerry Patterson, Commissioner

By Douglas Howard

The purpose of this survey is to reconstruct the boundaries of various original surveys located in Bandera and Medina Counties, Texas, situated on an approximate course of S 65 E about 15 miles from the county seat of Bandera County located in Bandera, Texas, and N 45° E about 27 miles from the county seat of Medina County located in Hondo, Texas. The corrected surveys are prepared for the purpose of determining excess acreage within the subject surveys in order to make application to acquire Deeds of Acquittance for each of the subject tracts.

The chronology and locating surveyors of the Original Surveys located in the immediate area of the subject tracts are as follows:

1. Logan Vandever Survey 185 located by Rob B. Hays on March 10, 1849.
2. Pedro Medina Survey 243 located by J. S. McDonald on October 29, 1852.
3. Manuel Leal Survey 244 & George S. Kelly Survey 245 located by J. S. McDonald on October 30, 1852
4. David Hutchison Survey 243 ½ located by Charles Montague on April 17, 1871.
5. Comanche Creek Irrigation Company Survey 125 located by James T. Hooter on December 8, 1876.
6. James H. R. Granger Survey 245.1 & James Granger Survey 245.2 located by Louis Polk, Jr. on September 23, 1878.
7. Georgetown Railroad Company Survey 255 located by Louis Polk, Jr. on May 20, 1879.
8. H. E. & W. T. Railroad Company Survey 279 located by Louis Polk, Jr. on June 28, 1879.
9. Julia A. Thompson Survey 753 located by Louis Polk, Jr. on March 21, 1882.
10. Jesus Gomez Survey 126 located by Louis Polk on October 18, 1882.
11. G. C. & S. F. Railway Company Survey 137 located by Louis Polk on December 5, 1882.
12. H. N. Crain Survey 127 located by Louis Polk on January 13, 1883.
13. G. W. Brooks Survey 136 located by M. Gillis on January 15, 1884.
14. Mrs. S. E. Thomason Survey 139 located by M. Gillis on July 2, 1884.

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Each of these surveys was patented on the basis of their respective field notes and no corrected field notes have at this time been filed for any of these surveys.

The Texas General Land Office prepared Medina County Working Sketch No. 33 for our use in conjunction with this project along with a copy of the Official County Map and copies of the original field notes. Other source documents included the deeds, ownership maps, topographic maps and aerial photography of the subject tracts and surrounding area.

Field control surveying and deed retracement was provided by Baker Surveying Company located in Blanco, Texas. 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.

Baker Surveying Company 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 1983, 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.

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:

1. A now 30" diameter live oak tree blazed with illegible marks which I believe to be the original witness to the southwest corner of Survey 245.2 and the northwest corner of Survey 126 was found in good condition at the near proximity of the occupied corner of these adjoining surveys. The original field notes for these surveys call for a 12" diameter live oak bearing S 70 1/2° W at 15 3/5 varas from the original stone mound. No evidence of the original stone mound was found.
2. An old rock mound near the occupied fence corner along with one of the corresponding witness trees was found marking an exterior corner of Survey 137 which is in common with the southwest corner adjoining Survey 126. The same surveyor had located said Survey 126 about two months prior to locating Survey 137. The rock mound is moderate in size and partly covered by decayed leaf and vegetation soil. The witness tree is a 10"-12" live oak in good condition with no definitely discernable marks and standing on a compass course of S 74° W at a distance of 17 2/5 varas from the rock mound as called for in the original field notes. The tree was described as being a 6" live oak at the time of the original field notes. No evidence of the alternate witness tree was found.
3. A now 24" diameter live oak tree with scars, but no legible marks which I believe to be the single original witness to the southeast corner of Survey 245.2 and the northeast corner of Survey 126 was found in good condition at the near proximity

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- of the occupied corner of these adjoining surveys. The original field notes for Survey 126 calls for a 14" diameter live oak bearing N 85° W at 2 2/5 varas from the original stone mound. No evidence of the original stone mound was found.
4. An old rock mound found about four feet south of an old post on a hill for the northwest corner of Survey 127 that calls to be in common with a reentrant corner of Survey 126. The same surveyor had located said Survey 126 about three months prior to locating Survey 127. No witness trees were called for within the original field notes.
 5. A moderate size partly scattered old rock mound was found on a slope and is believed to be the remnants of the original rock mound marking the southwest corner of G. W. Brooks Survey 136. No witness trees were called for within the original field notes.
 6. A moderate size rock mound was found in reasonably good condition at the lower southeast corner of G. W. Brooks Survey 136. No witness trees were called for within the original field notes.
 7. A now 20" diameter Spanish oak tree blazed with illegible marks and which I believe to be the original witness to the northwest corner of George S. Kelly Survey 245 and the southwest corner of Georgetown Railroad Company Survey 255 lying on the east line of James Granger Survey 245.2 was found in good condition at the near proximity of the occupied corner of these adjoining surveys. The original field notes for these surveys call for a 12" diameter Spanish oak bearing S 79° W at 2 varas from the original stone mound. No evidence of the original stone mound or the alternate live oak witness tree was found.
 8. A moderate size rock mound was found in reasonably good condition at the north boundary reentrant corner of George S. Kelly Survey 245 and at an exterior corner of Georgetown Railroad Company Survey 255. A 24" diameter live oak was found bearing N 20 3/4° W at 9.7 varas, but trees described within the original field notes were not found.
 9. A now 28" diameter elm tree with scars, but no discernable marks which I believe to be the original witness to the eastern boundary exterior corner of Comanche Creek Irrigation Company Survey 125 was found in good condition about 15 varas northwest of the occupied fence corner. No evidence of the alternate witness tree being a 12" diameter pecan or the mound of stones was found. Adding credence to this location is the fact that this reasonably small area is proliferated with pecan trees. It was noted that the senior Pedro Medina Survey 243, which Survey 125 is called to adjoin, references dissimilar witness trees to the witness trees called for at Survey 125.
 10. A now 20" diameter Spanish oak tree blazed with illegible marks and which is apparently the original witness tree to the southeast corner of Comanche Creek Irrigation Company Survey 125 and the most westerly southwest corner of Julia A. Thompson Survey 753 lying on the north line of Logan Vandever Survey 185 was found in good condition blazed with illegible marks and located about 12 1/2 varas northeast of the occupied fence corner post. The original field notes for this survey called for a 4" Spanish Oak bearing N 41° E at 5 2/5 varas. No alternate witness tree was called for at this location and no evidence of the original stone mound was found.

11. A now 10" live oak tree which I believe to be either the original or a second growth to the 4 1/2" diameter live oak witness tree cited as a passing call in the original Comanche Creek Irrigation Company Survey 125 field notes for a stone mound at the northwest corner of Logan Vandever Survey 185. This tree is located on a rocky slope where growth is slow and none of the surrounding trees in this particular area have attained a much larger size. The original field notes for this survey called for a 4 1/2" live oak bearing N 26° E at 11.7 varas. Additionally by locating the corner from this tree it was found that the corner is only 0.84 of a vara short of the original field notes called distance of 340 1/2 varas. No evidence of the alternate witness tree being a 6" diameter live oak or the stone mound was found.

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 and utilizing the few rock mounds found we found that the general configuration conforms reasonably well with the area as depicted by the official county map and the working sketch of the area. Excess acreage apparently exists within Comanche Creek Irrigation Company Survey 125, Jesus Gomez Survey 126, George S. Kelley Survey 245 and H. N. Crain Survey 127. My construction for these surveys based on the evidence as stated is as follows:

The George S. Kelly Survey 245 is senior or of equal seniority with each of its surrounding surveys and was constructed on the evidence of the witness tree found at its northwest corner, the rock mound found at the reentrant corner along its northern boundary and the witness tree found marking the northeast corner of the called to adjoin Survey 126 and the southeast corner of the called to adjoin Survey 245.2.

From the northwest corner of this survey established from the above referenced witness tree found (Item 7 cited above) and also being the lower southwest corner of called to adjoin Georgetown Railroad Company Survey 255 we turned a 90° angle from the west line of this survey as perpetuated from the cited northeast corner of Survey 126 and the southeast corner of Survey 245.2 (Item 3. cited above) thus yielding a grid bearing of S 89° 50' 05" E and at a distance of 540.67 varas intersected a line projected perpendicular to this line from the rock mound found (Item 8 cited above) marking a reentrant corner of this survey and an exterior corner of the called to adjoin Georgetown Railroad Company Survey 255.

We then proceeded along this perpendicular line on a course of S 00° 09' 55" W for a distance of 86.95 varas to the rock mound for the reentrant corner of this survey and an exterior corner of the called to adjoin Georgetown Railroad Company Survey 255.

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From this point we turned a 90° angle and continued along the previous course of S 89° 50' 05" E for the original field note called distance of 1200 varas to a point for the northeast corner of this survey and the southeast corner of said called to adjoin Survey 255 on the west line of companion Manuel Leal Survey 244.

Finding no vestiges of the corner here we returned to the northwest corner and proceeded southerly along the previously established west line on a course of S 00° 09' 55" W, at 781.71 varas passing the heretofore cited northeast corner of Survey 126 and the southeast corner of Survey 245.2 and continuing along the same course for the total original field note called distance of 1200 varas to the southeast corner of this survey and a reentrant corner of said Survey 126. No evidence of the original "stake and mound" was found here.

From this point we turned 90° and projected on a course of S 89° 50' 05" W for a distance of 1740.66 varas to the intersection of the west line of Manuel Leal Survey 244. We then turned 90° to a course of N 00° 09' 55" E and found the line between this southeast corner and the northeast corner to be 1113.04 varas.

This construction results in the survey containing 351.52 acres of land. According to records derived from your office this survey was patented for 348.6 acres. This would indicate that this survey apparently contains 2.92 acres in excess of the patent.

Comanche Irrigation Company Survey 125 adjoins and is bounded by the George S. Kelley Survey 245 on the north. It is also bounded and called to adjoin senior Manuel Leal Survey 244 on the upper east boundary, Pedro Medina Survey 243 on part of the lower east boundary, and Logan Vandever Survey 185 on the eastern portion of its south boundary. Survey 125 is also adjoined by junior Julia A. Thompson Survey 753 on a portion of its lower east boundary, George W. Brooks Survey 136 on part of its south boundary, H. N. Crain Survey 127 on the lower west boundary and upper south boundary, and Jesus Gomez Survey 126 on the upper west boundary.

Survey 125 was constructed the basis of the established northwest corner (Item 9 cited above) corner of Pedro Medina Survey 243 and southwest corner (Item 10 cited above) of the Julia A. Thompson Survey 753 and being bounded by the heretofore described construction of the senior George S. Kelley Survey 245. Adding credence to this construction is the consistency of this location with the location of the rock mound found marking the northwest corner (Item 11 above) of adjoining junior Survey 127.

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We commenced this survey at its southeast corner as located from the original witness tree (Item 10 cited above) with said corner called to be along the northern line of senior Logan Vandever Survey 185 and also ostensibly marking the most westerly southwest corner of Julia A. Thompson Survey 753.

We proceeded west along the north line of Logan Vandever Survey 185 on a course of S 89° 27' 59" W and at 339.6 varas (original field notes 340 ½ varas) we passed the ostensible northwest corner of said Logan Vandever Survey 185 from which point the 9"-10" oak (Item 11 cited above) bears N 26° E at a distance of 11.7 varas as stated within the original field notes for this survey. We continued along the same course for the total called distance of 1080.5 varas to the lower southwest corner along the east line of H. N. Crain Survey 127.

From this corner we turned a 90° angle and proceeded northerly ostensibly along the east line of said Survey 127 on a course of N 00° 32' 01" W for distance of 641.17 varas (original call 644 varas) to the retraced corner as perpetuated from the marks of said called to adjoin H. N. Crain Survey 127.

Turning 90° to a course of S 89° 27' 59" W we then proceeded for the original field note call of 851.00 varas to the upper southwest corner of this survey at an exterior corner of junior Jesus Gomez Survey 126 from which point a rock mound (Item 4 cited above) found marking the northwest corner of said H. N. Crain Survey 127 bears S 89° 27' 59" W at a distance of 103.77 varas.

Again turning a 90° angle we proceeded on a course of N 00° 32' 01" W for a distance of 1725.59 varas to the northwest corner of the herein described survey on the south line of senior George S. Kelley Survey 245 constructed as heretofore described and from which point the southwest corner of said Survey 245 bears N 89° 50' 05" W at a distance of 113.74 varas (96 ½ varas original field notes).

We then proceeded on a course of S 89° 50' 05" E along said south line of Survey 245 for a distance of 1626.93 varas (1643 ½ varas original field notes) to the southeast corner of said Survey 245 lying on the west line of senior Manuel Leal Survey 244 constructed as a companion survey to said Survey 245.

Turning an angle of 90° we then traversed on a course of S 00° 09' 55" W along the western line of said Survey 244 for a distance of 927.96 varas to the calculated southwest corner of said Survey 244.

At this corner we turned 90° to a course of S 89° 50' 05" E along the south line of said Survey 244 and at 316.04 varas reached the northwest corner of senior Pedro Medina Survey 243 as established from the witness tree (Item 9 cited above) found.

We then traversed S 00° 32' 01" E along the west line of said Survey 243 for a distance of 1415.17 varas to the place of beginning.

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This construction results in the survey containing 658.06 acres of land. According to records derived from your office this survey was patented for 640.00 acres. This would indicate that this survey apparently contains 18.06 acres in excess of the patent.

The Jesus Gomez Survey 126 along with several other surveys in this immediate area were located by Louis Polk in the fall of 1882 and the early part of 1883. Survey 126 is bounded on its upper northeast side by senior George S. Kelley Survey 245, on its mid east side by senior Comanche Creek Irrigation Company Survey 125, on its lower east side by H. N. Crain Survey 127 and by G. W. Brooks Survey 136, on its south side by Mrs. S. E. Thomason Survey 139, on its west side by G. C. & S. F. Railway Company Survey 137 and H. E. & W. T. Railroad Company Survey 279 and on the north by James Granger Survey 245.2.

We began this survey at the original rock mound with one remaining witness tree (Item 2 cited above) found at the southwest corner of this survey being an exterior corner of G. C. & S. F. Railway Company Survey 137 on the north line of said Mrs. S. E. Thomason Survey 139.

We traversed north on a course of N 00° 33' 22" W along the east lines of said G. C. & S. F. Railway Company Survey 137 and H. E. & W. T. Railroad Company Survey 279 for a distance of 3712.26 varas (3641 varas original field notes) to the northwest corner of this survey as located from the witness tree found (Item 1 cited above) being the southwest corner of senior James Granger Survey 245.2.

From this corner we traversed on a course of N 89° 35' 16" E for a distance of 964.80 varas to the northeast corner of this survey as located from the witness tree found (Item 3 cited above) being the southeast corner of senior James Granger Survey 245.2 on the west line of the previously located by the herein described construction George S. Kelley Survey 245.

We then followed the senior west line of said Survey 245 on a course of S 00° 09' 55" W for a distance of 418.29 varas to its southwest corner and then followed the south line of said Survey 245 on a course of S 89° 50' 05" E for a distance of 113.74 varas to the northwest corner of the Comanche Creek Irrigation Company Survey 125 as previously located by the herein described construction.

Following the west line of said Survey 125 on a course of S 00° 32' 01" E we then measured 1725.59 varas to the upper southwest corner of said Survey 125 as previously located by the herein described construction and lying on the north line of H. N. Crain Survey 127.

Turning a 90° angle we traversed on a course of S 89° 27' 59" W for a distance of 103.77 varas to the rock mound found (Item 4 cited above) marking a reentrant corner of this survey and the northwest corner of said H. N. Crain Survey 127.

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Paralleling the west line of this survey we then measured on a course of S 00° 33' 22" E, at 950.00 varas passing the calculated southwest corner of said Survey 127 and continuing along the same course for a total distance of 1564.60 varas to the southeast corner of this survey.

We then turned a 90° angle to the west and traversed on a course of S 89° 26' 38" W along the ostensible north line of Mrs. S. E. Thomason Survey 139 for a distance of 968.81 varas to the place of beginning.

This construction results in the survey containing 668.20 acres of land. According to records derived from your office this survey was patented for 640.00 acres. This would indicate that this survey apparently contains 28.20 acres in excess of the patent.

The H. N. Crain Survey 127 being one of the surveys in this immediate area located by Louis Polk is bounded on the north and the upper east sides by the Comanche Creek Irrigation Company Survey 125, on the lower east and south by junior G. W. Brooks Survey 136 and on the west by Jesus Gomez Survey 126 which was also located by Louis Polk.

We commenced this survey at the rock mound found (Item 4 cited above) marking the original northwest corner of this survey and a reentrant corner of said Survey 126.

Having previously located the earlier dated Survey 125 and Survey 126 the construction for which is heretofore described we traversed to the east along the common line between this survey and said senior Surveys 126 and 125 on a course of N 89° 27' 59" E, at 103.77 varas passing the upper southwest corner of said Survey 125 at an exterior corner of said Survey 126 and continuing along the same course with the common line between this survey and said Survey 125 for a total distance of 954.77 varas to the lower reentrant corner of said Survey 125 as previously located by the herein described construction.

We then turned south along the lower west line of said Survey 125 on a course of S 00° 32' 01" E and continued with said common boundary, at 641.17 varas passing the lower southwest corner of said Survey 125 as previously located by the herein described construction and said point also being an ostensible exterior corner of G. W. Brooks Survey 136 and continuing along the same course with the ostensible common line of said Survey 136 for a total distance of 950.00 varas to the southeast corner of this survey at an ostensible reentrant corner of said Survey 136.

We then turned west to a course of S 89° 27' 59" W along the ostensible lower north line of said Survey 136 and measured 954.39 varas to the southwest corner of this survey on the lower east line of Jesus Gomez Survey 126 as previously located by the herein described construction.

We then closed the survey by measuring along the lower east line of said Survey 126 on a course of N 00° 33' 22" W for a distance of 950.00 varas to the place of beginning.

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This construction results in the survey containing 160.64 acres of land. According to records derived from your office this survey was patented for 160.00 acres. This would indicate that this survey apparently contains 0.64 acres in excess of the patent.

This concludes the extent of any corrections that my client wishes to pursue at this time. Corrected field note descriptions are included for your review. Please contact me at the above captioned address and telephone numbers if you have questions or need further information.

Respectfully Submitted,

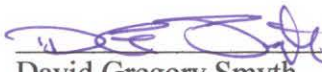


D. G. Smyth
Licensed State Land Surveyor

SURVEYOR'S CERTIFICATE

I, David Gregory Smyth, Licensed State Land Surveyor, do hereby certify that the foregoing information and attached Exhibits prepared by me are true and correct according to an actual survey made under my supervision on the ground, according to law, on the date and with the field personnel shown, duly qualified, and that limits, corners, and boundaries with the marks of same, natural and artificial, are truly and correctly described and set forth on said Exhibits and field notes, just as were found or set on the ground.

Witness my hand and seal this 20th day of August 2007

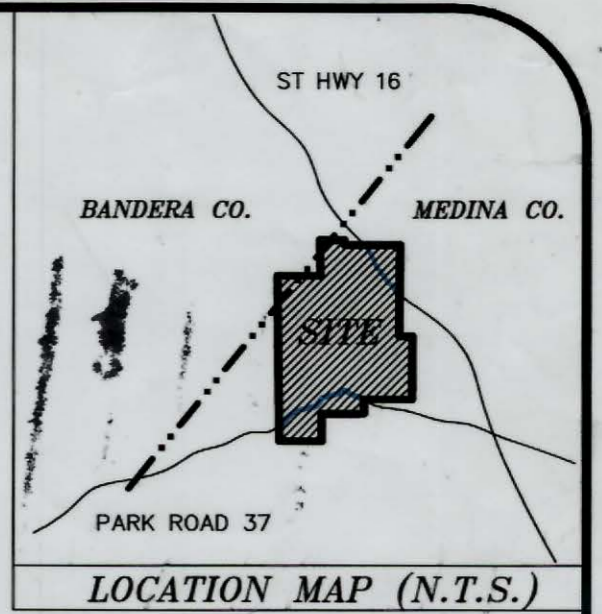


David Gregory Smyth
Licensed State Land Surveyor

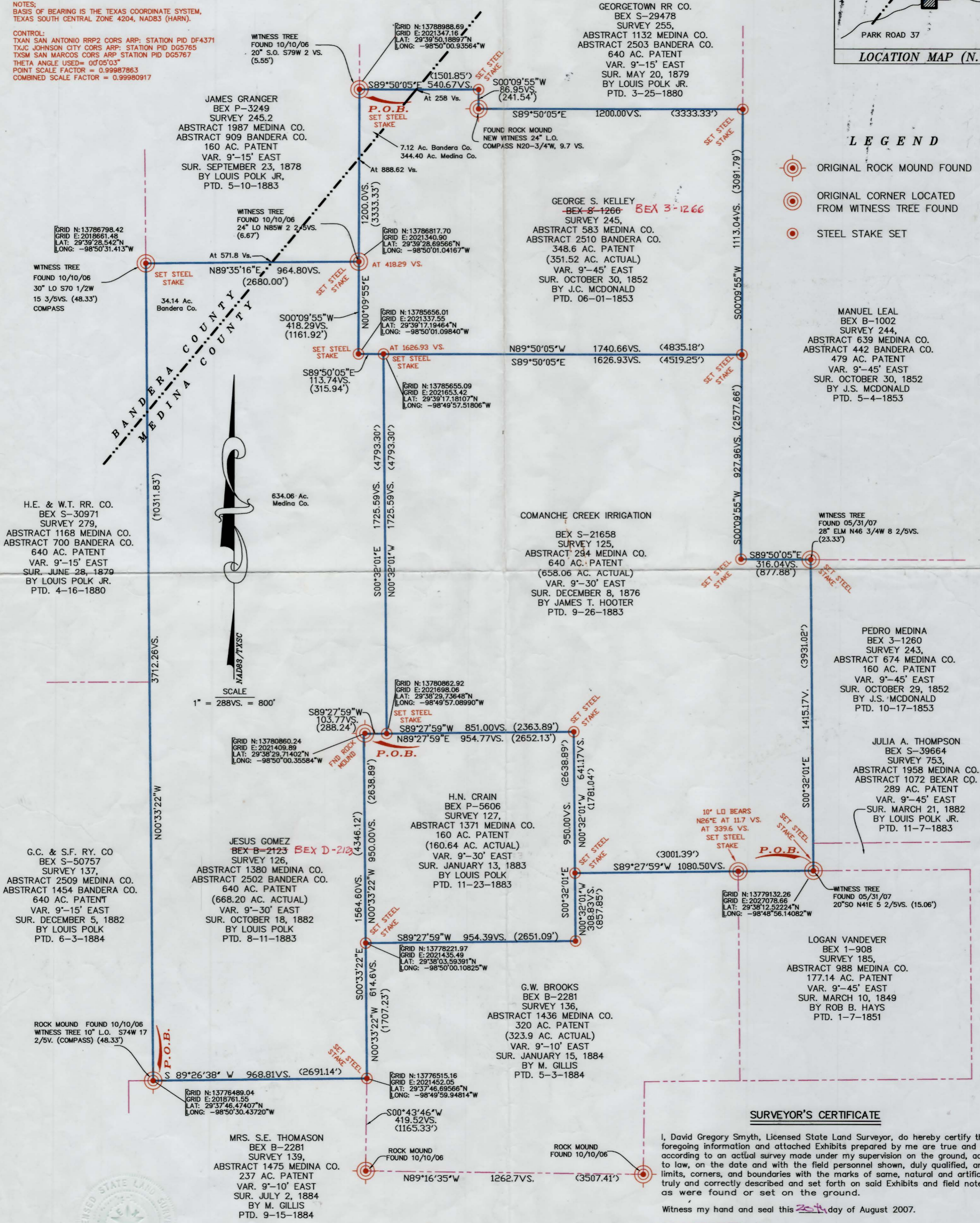
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Medina Co. ~~Rotted~~ Sketch ^v 22, ~~Sheet 10~~. Filed 11-7-2007

S K E T C H S H O W I N G :

CORRECTIONS FOR CERTAIN PATENTED SURVEYS LYING IN BANDERA AND MEDINA COUNTIES, TEXAS, AND SITUATED ON AN APPROXIMATE COURSE OF S 65° E ABOUT 15 MILES FROM BANDERA, TEXAS, AND APPROXIMATELY N 45° E ABOUT 27 MILES FROM HONDO, TEXAS.



NOTES:
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE 4204, NAD83 (HARN).
CONTROL:
TXAN SAN ANTONIO RRP2 CORP. STATION PID DF4371
TXJC JOHNSON CITY CORP. STATION PID DG5765
TXSM SAN MARCOS CORP. STATION PID DG5767
THETA ANGLE USED= 0°05'03"
POINT SCALE FACTOR = 0.99987863
COMBINED SCALE FACTOR = 0.99980917



- LEGEND**
- ORIGINAL ROCK MOUND FOUND
 - ORIGINAL CORNER LOCATED FROM WITNESS TREE FOUND
 - STEEL STAKE SET

SURVEYOR'S CERTIFICATE

I, David Gregory Smyth, Licensed State Land Surveyor, do hereby certify that the foregoing information and attached Exhibits prepared by me are true and correct according to an actual survey made under my supervision on the ground, according to law, on the date and with the field personnel shown, duly qualified, and that limits, corners, and boundaries with the marks of same, natural and artificial, are truly and correctly described and set forth on said Exhibits and field notes, just as were found or set on the ground.

Witness my hand and seal this 25th day of August 2007.

David Gregory Smyth
Licensed State Land Surveyor

