

ENGLE SURVEYING INCORPORATED

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November 27, 2015

Via FedEx Delivery

Sketch File 68

Texas General Land Office
Attn: Honorable George P. Bush, Commissioner
1700 N. Congress Ave.
Austin, Texas 78701-1495

Liberty County
Surveyor's Report

Accompanying Rolled Sketch 15

RE: State of Texas Mineral File 18734, 224.0 Acres

Date Filed: 6-3-2016

George P. Bush, Commissioner

Dear Honorable Commissioner Bush:

By Douglas Howard

The following Surveyor's Report is in part, a copy of a Surveyor's Report that was made for Alta Mesa Holdings, LP on October 5, 2010, (a copy of which was delivered to Mr. Bill O'Hara, RPLS, LSLS, Director of the Surveying Division, Texas General Land Office), and the later determinations/opinions that were made by the Texas General Land Office and expressed in two, (2), letters, one dated November 17, 2010 and the other dated April 21, 2011, of the location of the State of Texas Mineral Files No. 18734 and 18735.

The original report, along with map and field notes, was updated on July 25, 2011, when Ms. Bert Remkes and Ms. Cherie Woodward, who are two of the land owners that are affected by said determinations/opinions, decided to apply for a Patent for 40.19 acres within the said Mineral File 18734.

A map and field notes of 224.0 acres, made according to law, are included with this report, as follows.

BACKGROUND

Mr. John P. Engle, RPLS, LSLS, (Surveyor), was asked to meet at the office of Alta Mesa Holdings, LP, (Client), on April 13, 2010, to discuss re-tracing the location of said Mineral Files.

In attendance at said meeting were Mr. F. David Murrell, CPL, Mr. William Edward Wilson, RPLS and Mr. Gregory P. Yennior of G&G Survey & Consulting, Inc. and Mr. and Mrs. Woodward whom are land owners who are impacted by the location of said Mineral File 18734.

Surveyor had been forwarded, for his review and prior to said meeting, previous survey and other data from Mrs. Woodward, G&G Survey & Consulting, Inc. and Mr. David A. Pyle, RPLS, LSLS with the Texas General Land Office.

At the time of said meeting, no definitive determination had been made as to where the said Mineral Files were located on the ground and by the end of said meeting Mr. F. David Murrell agreed to retain Surveyor on behalf of Alta Mesa Holdings, LP for the purpose of determining said locations.

Surveyor prepared a written proposal of professional surveying services on May 4, 2010 and received written authorization to proceed on May 14, 2010.

Reference is hereby made to a map of even date, included with this report, depicting Surveyor's findings on the ground to date.

HISTORY OF THE LAND IN QUESTION

Said Mineral Files were originally part of a larger vacancy claim, (called 489.5 acres), applied for by Mr. William J. Colegrove on April 19, 1934, (per Texas GLO counter 46561), and were reported to adjoin the South line and southeast corner of the Burton Tarkington League, the most northern, West line and most northern, southwest corner of the Thomas Newman League, the North line and apparent beginning corner of the F.H. Votaw Survey, (which was a prior vacancy application which was awarded and patented to F.H. Votaw), the most northern, East line and northeast corner of the Thomas Devers Survey and the South line and most southern, southeast corner of the Clayton Harper Survey. The seniority, (of the previously mentioned, adjoining, original surveys), and comments about each are as follows.

1. Burton Tarkington League, (1st Class) – originally surveyed by George M. Patrick, exact, original date of survey not known but survey certified to have been made before the closing of the General Land Office in 1835 by Franklin Hardin. Patented by the State of Texas on February 13, 1847.
2. Thomas Newman League, (Title) – originally surveyed by George M. Patrick, exact, original date of survey not known. Titled by the Mexican Government on June 20, 1835.
3. Clayton Harper Survey, (1st Class) – originally surveyed by N. Magruder, certified to have been made, “since the first day of February 1838”. Patented by the State of Texas on March 19, 1875.
4. Thomas Devers Survey, (1st Class) – originally surveyed by N. Magruder, certified to have been made, “since the first day of February last” per Liberty County Surveyor's Records. Patented by the State of Texas on September 16, 1847.
5. F.H. Votaw Survey, (Scrap File 1342) – originally surveyed by Ralph C. Eubank, filed with the Liberty County Surveyor on August 17, 1900. Patented by the State of Texas on May 13, 1902.

BURTON TARKINGTON LEAGUE

The Burton Tarkington League stands on its own and has no calls for adjoiners. Original Surveyor, George M. Patrick began at the northwest corner of the survey and ran his course and distance in a counter-clockwise direction and eventually returned to the beginning corner.

THOMAS NEWMAN LEAGUE

The Thomas Newman League was surveyed, (presumably not long after the said Tarkington League), by Mr. Patrick and per his field notes, begins as follows: “Set a stake and raised a mound in the Prairie between the Rivers Trinity & San Jacinto for the beginning corner of Thomas Newman league, being the N.E. Corner of a league occupied by B. Tarkington...” Mr. Patrick then runs his course and distance in a clockwise direction, calling for no adjoiner until the 5th corner which he states is, “a stake and mound in prairie N.E. corner of a league claimed by Jordan West”.

Mr. Patrick then runs, "West 1140 To a stake and mound in Prairie 6th corner and S.E. corner of B. Tarkingtons league Thence with his E. line – low prairie North 2930 on Random line fell 16 varas to the East of the beginning corner True Course of closing line N.0°20'W. 2930 To beginning..."

Mr. Patrick's call for distance in the Burton Tarkington League's field notes is, "North 2761 ½" thus making his call for distance along the East line of the Burton Tarkington League 168 ½ varas longer in the Thomas Newman League's field notes.

JORDAN WEST LEAGUE

The said Jordan West League, (called as an adjoiner in the field notes for the Thomas Newman League), is an original land grant surveyed by S.C. Hiroms on August 18, 1835 and Titled by the Mexican Government. Said Hiroms calls to begin his survey, "on Southern boundary line of a league of land surveyed for _____ Targleton at the edge of the prairie". No calls for adjoiner, other than the beginning corner, are recited in said S.C. Hirom's field notes.

CLAYTON HARPER SURVEY

The Clayton Harper Survey, although originally surveyed by N. Magruder, was later re-surveyed by A.N.B. Tompkins, District Surveyor of Liberty County, on November 18th – 24th 1856. Mr. Tompkins' field notes were used, (rather than Mr. Magruder's), for the said Patent to the Clayton Harper Survey.

In Mr. Magruder's field notes, he calls to adjoin the West line of the Burton Tarkington League at a corner stake from which a 30 inch Magnolia marked, "SB" bears N 27° W, 5.7varas and a 6 inch Holly marked, "SB" bears S 33° W, 2 varas. Mr. Magruder then runs North 2500 varas with said survey, (Tarkington), to its northwest corner.

In Mr. Tompkins' field notes, Mr. Tompkins calls to adjoin the Tarkington League at its southwest corner. He lists no bearing trees. He then calls to run along the West boundary line of the Tarkington Survey, gives a passing call at Tarkington Bayou and corners at the Tarkington League's northwest corner.

THOMAS DEVERS SURVEY

The field notes for the said Thomas Devers Survey call to begin at the southwest corner of said Harper Survey and close along its South line.

F.H. VOTAW SURVEY

On March 18, 1902, F.H. Votaw made application to purchase 565-1/2 acres, reported to have been surveyed on September 21, 1900 per "Application and Affidavit to Purchase Detached and Isolated Lands", (included in said Scrap File 1342).

Mr. Ralph C. Eubank, County Surveyor of Liberty County, prepared field notes which stated to begin at the southeast corner of the Burton Tarkington league, "an old pine knot stake". No other call for adjoiner is included at the beginning corner or along the following course within his field notes.

Per Mr. Eubank's map of the said F.H. Votaw Survey, (included in said Scrap File 1342), the F.H. Votaw is depicted as adjoining the South line and southeast corner of the Burton Tarkington League, the most western, South line and most northern, southwest corner of the Thomas Newman League, the northwest corner and West line of the Isom Parmer Survey, the most northern, northeast and northwest corners and

North line of the John Havard Survey, the East line, northeast corner, the North line and northwest corner of the Jordan West League, the northeast and North line of the John Pleasants Survey, the most northern, East line and most northern, southeast corner of the Thomas Devers Survey and the most southern, southwest and southeast corners and most southern, South line of the Clayton Harper Survey.

The said included field notes describing the F.H. Votaw Survey, (included in said Scrap File 1342), are not near as descriptive as said map depicts and are lacking in calls for the said Thomas Newman League, Thomas Devers Survey, Clayton Harper Survey and South line of the Burton Tarkington League.

Prior to the vacancy claim of said F.H. Votaw, said A.N.B. Tompkins, District Surveyor of Liberty County mapped the South line of the Burton Tarkington League as adjoining the North line of the Jordan West League and North line of the John Pleasants Survey very early. One of said maps has been on file at the Texas General Land Office since June 26, 1861, (Texas GLO counter 30017), and the 1895 Texas General Land Office Official County Map of Liberty County depicts the same. The said 1895 map also depicts there being a "questionable area" near the southeast corner of the said Tarkington League. However, said map clearly depicts the southeast corner of the Tarkington League being not common with the most northern, southwest corner of the Newman League.

Mr. Tompkins also filed with the County Clerk of Liberty County, Texas, (on November 25, 1870 in Volume "A" at Page 241 Deed Records), a subdivision of the Jordan West League in which he subdivides the said Jordan West League into sections and quarter sections and states that, "...the lines being E, W, N & S. and extending 100 vrs N. of the West league".

Mr. Tompkins later files, (with the County Clerk of Liberty County, Texas on June 7, 1875 in Volume "A" at Page 259 Deed Records), a subdivision plat of the Burton Tarkington League and Jordan West League which clearly have the two, (2), subdivisions overlapping each other.

As previously mentioned, Mr. Tompkins also re-surveyed the said Clayton Harper Survey and per the sketch included with his field notes, he does not depict the South line of the Tarkington League to adjoin the North line of the John Pleasants Survey in 1856, (date re-survey of said Harper Survey).

After the F.H. Votaw Survey was patented, the Texas General Land Office Official County Map of 1926 was revised to depict the F.H. Votaw Survey as Mr. Eubank's depicted it, (as previously stated).

LIBERTY COUNTY SUIT

Due to the F.H. Votaw splitting the Burton Tarkington League and Jordan West League apart, a lawsuit was entered styled, *Jeff Cochran, et al vs. J.H. Williams, et al* per Cause No. 5052 in the District Court of Liberty County, Texas, 75th Judicial District on December 14, 1914.

Much of the lawsuit required ascertaining where the true boundaries of many of the surrounding original surveys were located and to determine if the F.H. Votaw Survey was in conflict with the Burton Tarkington League.

Expert Testimony was taken from the heirs of the Tarkington and West families and from surveyors, (L.A. White, R.C. Eubank and H.O. Compton), who had previously performed boundary surveying upon and around the area in question.

Key to Mr. Eubank's location of the F.H. Votaw Survey was his testimony taken in the "Statement of Facts". Mr. Eubank recites the following on Pages 51 and 52 of the said Testimony.

"In making report to the Land Office as I did in this case, that is usual every once in a while. I always thought about every second location I had to make a report; they accepted my report, and patented the land. When I am attempting to determine if there is a vacancy, I use previous work, and do not run all of the lines right at the time. I go on the ground to locate the vacancy and previous surveys whenever I can, because to re-run a line you have just run will give nothing more in the way of accuracy, and will cost the man making the location a good deal more money to run it. If I had run the F.H. Votaw survey on the ground, all of it at the time, it would have cost more money. Mr. Votaw didn't want it done. I had at some time made the survey on the ground of the other lines. I referred to in my report to the land office. I had run all the lines except the line west of the Jordan West N.W. corner; that line through there was never run by me and what I saw of it the other day while on the ground with Mr. Compton and Mr. Pickett was the first time I had ever really made an investigation of that line.

I can't tell you for sure whether or not I know where the N.E. corner of the Palmer is on the ground. I do know where the L. corner of the Newman is. The L corner of the Newman is one of the corners of the Palmer. I know the distance from the N.E. corner of the Palmer to the S.W. corner of the Newman; it is approximately 1140. I determined that from actual survey, from my personal knowledge, from a survey made by me. The distance from the N.E. corner of the Palmer back to the S.W. corner of the Newman is about 1140 varas."

In the end, the Judgment rendered by the Court turned out to be that the Tarkington, West and Pleasants' Surveys do not adjoin and that the F.H. Votaw Survey did exist and seems to encompass all of the land as depicted by Mr. Eubank's map, (included in Scrap File 1342), rather than his field notes, per the new field note description of the F.H. Votaw Survey created and included in the Judgment.

A map prepared by Mr. H.O. Compton, (included with said lawsuit), seems to have been partially used for the new field note description and Mr. H.O. Compton's surveying work appears to have been the most reliable of the area in question, (particularly at the time of the lawsuit).

The lower Court's decision was appealed styled, *Jeff Cochran, et al, Appellants v. J.L. Williams, et al Appellees*, No. 140 in the Court of Civil Appeals Ninth Supreme Judicial District of Texas. However, the result of the appeal was an affirmation of the lower Court's decision.

Wm. J. COLEGROVE VACANCY

On April 19, 1934, said Mr. Wm. J. Colegrove applied for said vacancy, previously described.

Mr. Colegrove states in his Survey Report, (Texas GLO counter 46563), that the State School Land Vacancy, in northwestern Liberty County, was bounded by the Harper, Devers, Tarkington, Votaw and Newman Surveys and that it was surveyed for Wm. J. Colegrove of Houston, Texas, by R.G. Partlow, County Surveyor of Liberty County, Texas, and H.O. Compton, Deputy, under his application for a survey, filed with the County Surveyor of Liberty County, December 29th, 1933 and January 1st, 1934.

Mr. Colegrove also includes a cover letter, (Texas GLO counter 46562), with his Survey Report stating his background as a Surveyor as well as two maps, (Texas GLO counter 46607), now filed in the flattened rolled sketch file, depicting his findings of said vacancy. Mr. Colegrove states, in said letter, that he is not a Licensed State Land Surveyor.

Mr. R.G. Partlow also included a map of the same vacancy, dated March 19, 1934, (of record in Texas GLO Mineral File 18735), and certified the map as a Licensed State Land Surveyor. Field notes of 489-1/2 acres, (certified March 19, 1934), of the same are also recorded in the County Surveyor's records at Volume "M" at Page 378 and 379.

Mr. Partlow, later in 1934, prepares field notes of a 170 acres tract, (Volume "M" at Pages 382-383), a 319-1/2 acres tract, (Volume "M" at Pages 384-385), corrected field notes of a 31 acres tract, (Volume "M" at Pages 386-387), corrected field notes of a 139 acres tract, (Volume "M" at Page 388), and finally field notes of a 139-1/2 acres tract, (Volume "M" at Pages 391-392); all of tracts being out of and a part of said called 489-1/2 acres tract.

Said field notes prepared by Mr. Partlow have not been found referenced in the Liberty County Surveyor's Index by Surveyor to date.

None of said tracts identified by Mr. Partlow were patented and in 1942, Mr. H.O. Compton prepared field notes, (certified as a Licensed State Land Surveyor and recorded in the Liberty County Surveyor's Records in Volume 1 at Page 5), of a called 34.04 acres tract of land for R.W. Wingo which was also out of and a part of said called 489-1/2 acres tract. Mr. Compton included a map and report with his field notes and sent them to the Texas General Land Office where they were received on December 2, 1942 and included in Mineral Applicant File 36486. A patent for the said called 34.04 acres tract was not issued either.

Mr. Compton's Testimony in the said 1914 lawsuit, as previously mentioned, was used to identify and construct the adjoining boundaries to and of the said F.H. Votaw Survey. Said report by Mr. Compton, states his re-tracement and boundary determination of the surrounding surveys and includes a reference to the said lawsuit. His knowledge of the area and work in the same is very early and extensive and Mr. Compton's report of the Wingo gives a thorough analysis of his boundary determination of many of the said original Surveys.

Hand written on Page 8 of the right hand margin of Mr. Compton's report, next to the explanation of the F.H. Votaw Survey, it appears that this may be the first time the Texas General Land Office was made aware of the said lawsuit as there is a question mark next to the paragraph describing the lawsuit and further down the page the reference to the appeal decision, (193 S.W. 255).

RESEARCH PERFORMED

Surveyor began the survey for the said Colegrove identification by researching the Texas General Land Office and obtaining copies of the original field notes for the previously mentioned original surveys as well as maps of the same, conducted over time, by various surveyors.

Surveyor learned that Kirby Lumber Co. made re-tracement surveys of much of the area around the Tarkington League as well as the John Pleasants Survey and West line of the Jordan West League. Mr. Darrell Shine, RPLS, LSLs aided Surveyor with research of Kirby Lumber Company's holdings which included working drawings of corners found and set.

Surveyor also researched the Liberty County Clerk's records for deeds describing the various tracts affected by said Colegrove survey.

Last, as Surveyor was well aware of Mr. Compton and Mr. Partlow's involvement, Surveyor conducted research at the Sam Houston Regional Library and Research Center in Liberty, Texas where Mr. Compton and Mr. Partlow's original field books are now housed.

Upon review and analysis of all of the above information, Surveyor prepared various working drawings and sketches of the areas in question to prepare for search and location of the various corners in the field.

FIELD WORK PERFORMED

Surveyor began the field work for this project by re-tracing and locating the necessary lines and corners of the Tarkington, Devers, Pleasants, West, Newman and Parmer Surveys for the potential construction of the Votaw and Colegrove Surveys.

Surveyor recovered a 1-1/4 inch iron pipe for the accepted northwest corner of the Burton Tarkington League, (per Mr. Compton's report of the Wingo Survey), a 1-1/4 inch iron pipe with rich lighter pine stake inside for the accepted southwest corner of the Burton Tarkington League, (apparently set by a surveyor named Wilson per Mr. Compton's original field books near a pine knot that Mr. Compton found in 1914), the most Eastern, southeast corner of the Thomas Devers Survey, (which is a very old pine knot on the northeast edge of a 4 inch iron pipe, pine knot believed by Surveyor to have been set by Mr. Compton), two, (2), corners for the northwest corner of the John Pleasants Survey, (one which is a 4 inch iron pipe with rich lighter pine stake set at the location established by Mr. Compton, the other a concrete monument set at a location established by Kirby Lumber Co.), the northwest corner of the F.H. Votaw Survey as set by Mr. Partlow, (a pine knot set in 1934 per his original field book), the northeast corner of the John Pleasants Survey and northwest corner of the Jordan West League, (being a concrete monument set by Kirby Lumber Co.), the southeast corner of the John Pleasants Survey and southwest corner of the Jordan West League, (being a concrete monument set by Kirby Lumber Co.), a 3/4 inch galvanized iron pipe, found in County Road 2267 road bed and having been set in the North line of the Jordan West League by Mr. H.O. Compton per his original field book, the most Northern, southwest corner of the Thomas Newman League, (being an old pine knot recovered by Mr. Compton in 1914 per his original field book and map included in said lawsuit), and also identified by Mr. Partlow and Mr. Colegrove in their said surveys of the Wm. J. Colegrove vacancy, and an old wood post, (being a corner possibly set by Ralph Eubank for the northwest corner of the Parmer Survey).

Upon completion of said corner location, Surveyor plotted the said corners to learn the course, distance and relative location of lines and corners to each other and found that the F.H. Votaw Survey was as Mr. Partlow determined it and not as the 1914 Lawsuit determined.

At this time, Surveyor only had a calculated course for the South line of the Tarkington League based on Mr. Compton's course, (depicted on said map of the Wingo Survey), of the West line of the Tarkington League, (N 0°31' W), and Mr. Compton's and Mr. Partlow's agreement of the bearing of the South line of the Tarkington Survey, (being N 89°26' E), so Surveyor returned to said Research Center to ascertain whether or not Mr. Partlow might have monumented the line at the time he surveyed the Colegrove.

It turns out he did per his original field book, (Book 17 Pages 21-31).

Per Mr. Partlow's field book, he ran the South line of the Tarkington League from its southwest corner to its East line, being common with the most Northern, West line of the Thomas Newman League in January 1935 and set iron pipes every 1000 varas along the South line of the Tarkington League as well as along the South line of the Colegrove Survey, (which he calls the North line of the Votaw Survey), and also set a heart pine stake and iron pipe under fence for the southeast corner of the Tarkington League.

Surveyor returned to the field to begin searching for said corners and found four, (4), of Mr. Partlow's original iron pipes along the South line of the Tarkington Survey; (two, (2), original, undisturbed and two, (2), bent at the top and leaning), as well as one, (1), iron pipe, (found completely laid over), along the South line of the said Colegrove Survey. No corner was found at the southeast corner of the Tarkington League after a very thorough search of the area.

Upon plotting the iron pipes found along the South line of the Tarkington League, Surveyor found that their course from the southwest corner of the Tarkington League matched Mr. Compton's relation, (West line to South line of the Tarkington League), by about 02 minutes 33 seconds.

Still needed was the location of the East line of the Tarkington League.

Surveyor had previously tried to locate the northeast corner of the Tarkington League but due to there not being a course recited on Mr. Compton's map from the 1914 lawsuit, a reliable search area was not possible at that time. However, Surveyor was aware that Mr. Compton had previously found the northeast corner of the Tarkington League, being the northwest corner of the Thomas Newman League, and Surveyor further knew that Mr. Compton also performed work on the North line of both of said Leagues per his original field books.

Surveyor prepared to possibly re-trace the North line of the Tarkington League, near the northeast corner, but found that the construction of State Highway Number 105 took in those corners. However, as previously stated, the Thomas Newman League was surveyed by the same surveyor, (George M. Patrick), as the Tarkington League, begins at the northeast corner of the Tarkington League and runs, (presumably), the same course along its North line as does the Tarkington League.

Mr. Compton's map from the 1914 lawsuit depicts a pine knot in an old graded road with a witness tree, (Water Oak with an old X), bearing S 44° W, 68 varas at said location. Per his original field book, (Book 27 Page 48), he begins at a pine knot and iron stake with a witness tree, (Water Oak with an old X), bearing S 44° W, 68.4 varas and then re-traces the North line of the Newman Survey. The next day he surveys a tract which he states begins at a pine knot in well marked North line of the Thomas Newman 2176 varas N 88-3/4° E of the northwest corner, 36" Pine mkd "X" brs S 30-3/4° E, 13.7 varas and a Red Oak mkd, "X" bears N 29° E, 3.8 varas...

Surveyor noticed that Mr. Compton's recited course along the Newman League was the same as that depicted on his map, (from the 1914 lawsuit), along the North and South lines of the Tarkington League and decided to turn to the Liberty County Clerk's records, (before returning to the field), to determine if a deed for the said tract had been prepared and found the following.

A land conveyance, apparently utilizing Mr. Compton's field notes was recorded in 1916 in Volume 62 at Page 162 Deed Records of Liberty County, Texas. Through subsequent conveyances of the same tract, a controversy arose as to ownership of the tract between W.C. Scott, et al and Hardin Lumber Co. per deed dated January 24, 1939 and recorded in Volume 232 at Page 519 Deed Records of Liberty County, Texas.

The controversy was not about the location of the tract but just to who owned it and per the metes and bounds included within said deed, the beginning corner is a pine knot by a 1-1/2 inch iron pipe in the North line of the Newman league and it is witnessed by a 16 inch Red Oak mkd with an old "X" that bears N 28°15' E, 3.5 varas.

Surveyor noticed the same bearing trees within said deeds and further found a description for a called 98.987 acres tract per deed dated March 21, 1975 and recorded in Volume 752 at Page 927 Deed Records of Liberty County, Texas, which has for its beginning corner, a 2 inch iron pipe witnessed by a 30 inch Red Oak with an old "X" that bears N 26° E, 10 feet, an 18 inch Red Oak with an old "X" that bears S 27° W, 19.0 feet.

Armed with a perpetuated corner, Surveyor returned to the field to traverse from near where he thought the northeast corner of the Tarkington League was located and ran approximately 2176 varas East along a road, (County Road 2251 and 2252, once part of, if not all was once called Davis Hill Road), to discover

if a tract line would be intersected near said distance. Along the way, Surveyor noticed that the road turns South and then back East which indicates it angling away and then possibly paralleling the North line of the Newman League.

At very near the 2176 varas distance, Surveyor noticed a fence running South, from near the apparent South right of way of said road, and also a painted line tree near the apparent North right of way. Surveyor then walked up along said line, crossed a small creek and in an old fence, (up and down in places), found, sticking out of the ground approximately one, (1), foot, an old 1-3/4 inch outside diameter iron pipe with an elbow on top. Surveyor also found an 18 inch Red Oak marked, "X" as a witness corner to said iron pipe. Surveyor dug all around the iron pipe to see if a pine knot was still present but found none. Surveyor found the bearing and distance, between the said iron pipe and said 18 inch red oak, to be South 23°38'07" West, 6.9 varas.

Upon locating said iron pipe and red oak, Surveyor returned to near where he thought the northeast corner of the Tarkington League was located, calculated a distance of 2176 varas from the said found iron pipe with elbow along said road and found an old 1-1/4 inch to 1-1/2 inch outside diameter iron pipe, (bent at the top), near the middle of said road and approximately one, (1), foot below the asphalt, just West of a culvert crossing under said road.

Surveyor found the bearing and distance between said iron pipe with elbow and said iron pipe in said road to be North 86°11'22" East, 2176.48 varas and the bearing between the said accepted southwest corner of the Tarkington League and the two, (2), original, undisturbed iron pipes, set by Mr. Partlow is North 86°11'19" East.

BOUNDARY CONSTRUCTION OF SOUTHEAST CORNER OF TARKINGTON LEAGUE

With the said mentioned relation, found, between the South line of the Tarkington League and the North line of the Newman League, boundary construction of the southeast corner of the Tarkington League was determined by analyzing the bearing and distance between the said old pine knot found at the most northern, southwest corner of the Newman League and the said iron pipe in said road which appears to be set at the northeast corner of the Tarkington League, (same being the northwest corner of the Newman League). Their relation is North 03°07'41" West, 3031.18 varas.

Mr. Compton's map from the 1914 lawsuit depicts a distance of 3031 varas along the common line of the Tarkington League and Newman League.

Surveyor then utilized the said bearing, (North 86°11'19" East), found between the southwest corner of the Tarkington League and the two, (2), original, undisturbed monuments, which Mr. Partlow set, along the South line of the Tarkington League and intersected the said constructed East line of the Tarkington League/West line of the Newman League and found that the distance to the said iron pipe in said road is 2804.30 varas.

In Mr. Compton's report of the Wingo, he calls the distance to be 2805 varas South of the recognized northeast corner of the Burton Tarkington League.

Surveyor was very confident of the bearing and distance relationships and harmonies they made with Mr. Compton's previous work and set a sucker rod, (stamped, "LSLS and 5568" on opposing flats), on October 8, 2010 at said intersection. Said sucker rod fell approximately 1.8 varas East of an old fence, said fence being near the Eastern high bank of a drainage ditch.

CONCLUSION

Surveyor is confident that he has constructed the West, South and East boundary lines of the Tarkington League as Mr. Compton found them in 1914 and based on said construction, the Tarkington League is excessive in acreage.

Surveyor is also confident that the location of the North line of the John Pleasants Survey and Jordan West League, determined by Kirby Lumber Co., is very near the same as Mr. Compton had found them in 1914. Of note is the location of the northwest corner of the Jordan West League, same being the northeast corner of the John Pleasants Survey, in relation to the South line of the Tarkington League.

Mr. Compton states in said Testimony that the said corner is located 336 varas South of the Tarkington South line and Surveyor found the corner, (set by Kirby Lumber Co.), 336.4 varas, perpendicular to the said South line.

Not addressed as thoroughly by Mr. Partlow nor Mr. Compton are the location of the corners and lines of the West line of the said Parmer Survey, the most Northern line of the said Havard Survey and the East line of the Jordan West League. The location of these said lines will potentially have an effect upon the final acreage of the Votaw Survey, (however constructed), by probably 15 – 20 acres. Also, there is apparently some disagreement between Mr. Partlow and Mr. Compton with regards to the location of the Devers and Harper Surveys.

With regards to Mr. Partlow's boundary determination of the F.H. Votaw Survey, Surveyor has not found a report of the basis of his construction of it or the said Colegrove Survey to date. However, it appears that Mr. Partlow utilized the original field notes of the Votaw Survey to construct part of the boundary by holding the North line of the said West League and said Pleasants Survey and honored Mr. Compton's corner at the most northern, southeast corner of the said Devers Survey, which he states is a 4 inch iron pipe, (also found by Surveyor), in his field notes from his original field book, dated December 13, 1934, (Book 17 Page 15). He then exhausts the distance of 203 varas, (distance called for in original Votaw notes) and set a pine knot, (previously described and found by Surveyor), along the most northern, East line of said Devers Survey.

As he realized that Mr. Eubank was apparently mistaken, (per said lawsuit and also possibly by plotting the field notes), about the southeast corner of the Tarkington League being common with the most northern, southwest corner of the Newman League, his determination of the North line of the Votaw Survey is from his said set pine knot in the Devers' line to the said old pine knot at the most northern, southwest corner of the Newman League. His first set of "Colegrove" field notes of the said called 489.5 acres tract describe said line.

Mr. Partlow's determination of the Votaw Survey is reasonable provided that no other evidence of the Votaw Survey existed. If his determination is utilized though, it makes the acreage deficient by at least 175 acres, (per the recited acreage of 565-1/2 acres called for in the original field notes of the Votaw Survey).

The said Judgment in said lawsuit does provide more evidence and upon its said affirmation by the Appeals Court of the Lower Court's decision, (which includes a new description of the Votaw Survey), Surveyor believes that the Votaw's description made by the Court becomes law until otherwise successfully appealed, etc.

Surveyor also believes the Judgment by the Lower Court has merit due to Mr. Eubank admitting he did not run the North line of the Pleasants Survey nor knew where the northwest corner of the Parmer Survey

was on the ground, (which potentially leaves room for another vacancy along the most Eastern line of the Votaw Survey). He also admitted to piecing together earlier surveys, claimed to have been run previously ran by him and wrongly stated that, "because to re-run a line you have just run will give nothing more in the way of accuracy..." which is completely false as statistics prove.

In Volume II, Supplement to Sayles' Treatise on the Laws of Texas relating to Real Estate, W.W. Herron, 1910; possible timely insight to the Judge's decision in the said lawsuit is given in Article 877, "**Rule of construction when no actual survey was made** – When it is clearly shown that no actual survey was ever made, the rules applicable to the determination of boundaries of actual surveys do not apply in regard to the lines and corners of other surveys called for in the patent. In such a case, all matters of description must be looked to, in connection with facts surrounding the parties, and if, considering them in connection with transactions to which the parties looked when the patent issued, the land can be clearly identified, the grant will not be held void. In such a case, descriptive calls, evidently inserted through mistake, will be disregarded, and effect given to those calls that are certain and are found, which, in connection with other matters of description in the grant, will make it conform to the evident intention of the parties." Cases cited, (per the said Sayles' reference), are Boon v. Hunter, 62 T. 582; Moore v. Reiley, 68 T. 668; Lilly v. Blum, 70 T. 704; Urquhart v. Burleson, 6 T. 502; Hubert v. Bartlett, 9 T. 98; Booth v. Upshur, 26 T. 64; Booth v. Strippleman, 26 T. 436.

Mr. Eubank's said map, (included in said Scrap File), does depict his intent although it is noted on the back of said map by someone named Hunnicutt on 12-19-1901 at the Texas General Land Office that, "A sketch like this might easily be made in office, as no information gotten by surveying on the ground is shown – Worthless"

All stated, with regards to said Judgment, the State of Texas was not a party to the suit and does not have to accept the decision. Ultimately, however, with the facts and best evidence now presented by Surveyor, the State is tasked with either accepting Mr. Partlow's determination of the Votaw and Colegrove Surveys as correct or accepting the Judgment rendered in 1915 and affirmed in 1916 as Final.

If the State of Texas does not accept the said Judgment as Final, corrected field notes of Mineral File 18734 and 18735 will have to be prepared and there will be approximately eighty-two, (82), tracts that will be affected by the Mineral File(s) location; including fifty-eight, (58), residential lots and three, (3), commercial reserves in a recorded subdivision called Chaparral Ranch, Sec. 1, filed December 13, 1971 and recorded in Volume 6 at Page 91 of the Plat Records of Liberty County, Texas, as well as at least twelve, (12), tracts in an Unrecorded Subdivision named Chaparral Ranch Sec. II, two, (2), tracts, one claimed by the Remkes Family and one claimed by the Ward Family are described by deed, very generally, between old named County Roads and are subject to the Votaw location for their exact location by metes and bounds description. The remaining, current, tracts affected by the Colegrove Survey are clearly noted, (with grantee/grantor and recording information), on the map included with this report.

If the State accepts the said Judgment as Final, the Votaw Survey as defined by the Court, will contain approximately 742 acres which will make it approximately 177 acres excessive, plus or minus said 15 – 20 acres.

Surveyor has included copies of all of Mr. Partlow's field notes of the various Colegrove descriptions, found to date, in the County Surveyor's Records along with this report. Also included are copies of his original field book pages, (found to date), involving the said Colegrove Survey.

As noted in the CC at the beginning of this report, a copy of this map and report has been sent to the Mr. Bill O'Hara, per his and your request, at the Texas General Land Office.

Mrs. Cherie Woodward generously had a complete, certified copy of the said Appeal made by W. Cole Williamson, Research Assistant at the Sam Houston Regional Library and Research Center and it has been included with this report to Mr. O'Hara for his and the Texas General Land Office's record and review.

2011 UPDATE AND TEXAS GENERAL LAND OFFICE CURRENT OPINION

As noted, at the beginning of this report, the Texas General Land Office expressed their current opinion of the location of the State of Texas Mineral Files No. 18734 and 18735 in two, (2), letters, both of which are included with this report.

After receipt of the second letter, Ms. Cherie Woodward and Ms. Bert Remkes retained Surveyor to prepare an Official Survey of Public Land for the portion claimed by them.

An Official Survey of 40.19 acres was made on the ground in June and July 2011 and corners were set for the same on July 21, 2011.

Ms. Woodward and Ms. Remkes have indicated that they would like the name of the Patentee to be, "Bertie E. Poland".

Information such as copies of Mr. Partlow's field notes, Appeal, etc. from the Surveyor's Report made for Alta Mesa Holdings, LP are hopefully still held by Mr. Bill O'Hara, Director of Surveying, Texas General Land Office. However, if they are not, I will be more than happy to see that new copies are made and delivered.

2015 UPDATE AND TEXAS GENERAL LAND OFFICE CURRENT OPINION

In the Summer of 2015, Surveyor was contacted by Mr. Bill O'Hara, RPLS, LSLs, Director of Surveying Texas General Land Office, to provide a proposal to correct the field notes of Mineral File 18734 based on the Texas General Land Office's current opinion of the location of the same and based on prior field work performed in 2010 – 2012.

On July 8, 2015, a contract was executed and this report along with map and field notes of 224.0 acres depicts and describes the results.

Information such as copies of Mr. Partlow's field notes, Appeal, etc. from the Surveyor's Report made for Alta Mesa Holdings, LP and Official Survey of 40.19 acres are hopefully still held by Mr. Bill O'Hara, Director of Surveying, Texas General Land Office. However, if they are not, I will be more than happy to see that new copies are made and delivered.

If you have any questions and/or comments concerning any of the details within this report, please call.

Respectfully Submitted,



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Licensed State Land Surveyor

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