



SURVEY REPORT

File No. SKETCH FILE 32

County BROWN

STATE

SEE REAL PROPERTY SKETCH FILE No. 1

Date Filed: October 16, 2010

George P. Bush, Commissioner

By K. Schreiber

OF AN 8,944.1 ACRE BOUNDARY SURVEY OF CAMP BOWIE

Out of the Kerr County School Land Survey No. 271 Abstract No. 575, Kerr County School Land Survey No. 272 Abstract No. 569, Kerr County School Land Survey No. 273 Abstract No. 571, Kerr County School Land Survey No. 274 Abstract No. 572, Kerr County School Land Survey No. 275 Abstract No. 573, Kerr County School Land Survey No. 276 Abstract No. 574, Kerr County School Land Survey No. 277 Abstract No. 570, Pleasant McAnelly Survey No. 35, Abstract No. 626, John J. Cain Survey No. 36, Abstract No. 184, Herman D. Yates Survey No. 37, Abstract No. 996, Robert Hall Survey No. 38, Abstract No. 424, Henry Tally Survey No. 39, Abstract No. 890, Bernard E. Bee Survey No. 40, Abstract No. 80, James E. Cotton Survey No. 41, Abstract No. 183, James Cotton Survey No. 42, Abstract No. 185, Peter M. Cameron Survey No. 43, Abstract No. 180, Reuben Ross Survey No. 44, Abstract No. 799, Thomas H. Roberts Survey No. 333, Abstract No. 803, Brown County, Texas

Prepared For

The Texas General Land Office

By

David A. Rolbiecki, Registered Professional Land Surveyor
Licensed State Land Surveyor
Texas Military Department



TEXAS MILITARY DEPARTMENT

Texas Army National Guard
Post Office Box 5218
Austin, Texas 78763-5218

8 June 2018

Subject: Survey report of an 8,944.1 acre boundary survey of Camp Bowie, Brown County, Texas.

In response to Texas Military Forces requirements for accurate locations of state and licensed lands for the use and benefit of the Texas National Guard, I have completed the research, field survey, and monumenting on the ground the state and federally-owned boundary of post-World War II Camp Bowie. I commenced fieldwork on 21 November 2013 with Mark Hinojosa, Party Chief and completed it on 24 March 2016. The perimeter boundary of present-day Camp Bowie encompasses 8,944.1 acres and contains 5,085.2 acres of State-owned land and 3,858.9 acres of Federally-owned land licensed to the Texas National Guard by the U.S. Army Corps of Engineers, Fort Worth District. Present-day Camp Bowie is bounded by FM Highway 2126 to the north, County Road 267 to the east, County Road 264 to the south, and FM Highway 45 to the west.

These lands are comprised of the residual of World War II surplus lands acquired by condemnation in *United States vs. 120,000 Acres of Land in Brown and Mills County, Texas* in the District Court of the United States for the Northern District of Texas San Angelo Division, Civil Action No. 51. The state-owned lands that came out of the residual were described in a correction deed without warranty from the United States of America to the Texas National Guard Armory Board for 5,410.64 acres (call), filed on 6 October 1954, recorded in Volume 431, Page 457, Deed Records, Brown County, Texas for United States of America Tracts G-716, G-720, G-721, G-722, G-735, G-736, G-738, G-739, and G-740. In the early 1990's, land swaps totaling 648 acres between the Texas National Guard Armory Board and the City of Brownwood took place for a city land fill area on the west side of FM Highway 45. Various small parcels west of FM Highway 45 were sold by the Texas National Guard Armory Board to private land owners, effectively keeping present-day Camp Bowie contained between FM Highway 45 and County Road 267.

The Federal lands are comprised of three large tracts of land (Tracts 300, 301, and 302) that were sold to the United States by private land owners in the 1990's. Tract 300, the largest of the three Federal tracts, is 2,213.3 acres and encompasses all of the Thomas H. Roberts Survey No.

333 and nearly one half of the Pleasant McAnally Survey No. 35. It was surveyed and resurveyed from 1960 to 1992 by R.L. Barnett, Licensed State Land Surveyor, whose work on the southwest line was called into question later in 1996 (he was deceased) in a lawsuit styled: *James D. Harlow vs. John Mathis Giles, Sam Trenton Cutbirth, Robert Beadel, and Bradley W. Brookshire Cause No. 96-09-592* (Final Judgment filed in Volume 159, Page 187 District Court of Brown County, Texas 35th Judicial District), and found in Appendix 1 to this report.

EARLY SETTLEMENT IN BROWN COUNTY AND ORIGINAL SURVEYS—1838-1858

Camp Bowie is named after Alamo defender James Bowie. The site of present-day Camp Bowie is located in Brown County, Texas on the waters of Pecan Bayou. Prior to settlement, the area was controlled by Penateka Comanche. In the early 1800s, Anglo-American settlers began to move into the area later to become Brown County at the risk of being attacked by Comanche. In 1828, twenty-nine men of DeWitt's Colony under the command of Captain Henry Stephenson Brown (for whom Brown County was named after) left Gonzales and crossed the Pecan Bayou near the present site of Camp Bowie to recover 500 horses stolen by the Comanche. Following a fierce battle, Brown ultimately brought the horses back to Gonzalez after being pursued by the Comanche for three days.

In 1838, land surveyors commissioned by the Texas General Land Office (established two years earlier) arrived in the area of present-day Brown County to survey land grants under the Republic of Texas. In 1846, William Wallace, Deputy Surveyor of Bexar County made ten surveys (Survey Numbers 35-44) under the State of Texas along the west bank of the Pecan Bayou for residents arriving after Texas Independence that extend into the eastern half of Camp Bowie. These consisted of Bounty, Donation, and Second and Third Class Headrights of 1,280, 640, and 320 acres, respectively, and used as an incentive to encourage immigration to Texas. Bounty Grants were issued to military-age males to recruit them into service. Donation Grants were given to service members for honorable service. Second Class Headrights were issued between 2 March 1836 and 1 October 1837. Third Class Headrights were issued between 1 October 1837 and 1 January 1840. Residency in Texas was not a requirement during this time.¹

On 13 May 1846, the First Legislature of Texas, House Committee on County Boundaries established land districts to define the limits of the counties of Texas during the Republic. The District (or the Deputy) Surveyor would now sign the field notes under an associated District. In 1858, J.E. McCord, District Surveyor of the Travis Land District, made eight surveys for the Kerr County School Lands (Survey Numbers 271-278) by virtue of "*An Act of Congress of the Republic of Texas to establish a general System of Education approved January 20th 1839*" that extend into the west half of Camp Bowie. Surveys 271-277 were very long (12,000-15,000 varas) from east to west containing 2,200-plus acres and were contiguous from south to north,

¹ Terry Cowan, RPLS, 2015. *History of the Texas Public Domain*. Texas Society of Professional Surveyors Annual Convention & Technology Exposition, October 11, 2015.

and were supposed to tie in to the senior surveys made by William Wallace along the Pecan Bayou. However, a later resurvey made by W.A. McIntosh, County Surveyor of Brown County pointed out a conflict made by the Kerr County School Lands Surveys into the senior surveys made by William Wallace in 1846.² McCord also made a 1,920 acre survey in 1858 for Thomas H. Roberts (Survey No. 333) that joins the south line of Kerr County School Lands Survey No. 271 and encompasses the southern portion of Camp Bowie along with the westerly half of the Pleasant McAnally Survey No. 35.

It is important to note that there was a court order in the latter part of the 1800s that fixed the line common with the south line of the Kerr County School Lands Survey No. 271 and the north line of the Thomas H. Roberts Survey No. 333 (District Court of Record, Volume C, Page 273 of the District Court Minutes of Brown County, Texas).³ This fixed line would impact the outcome of my survey and will be explained in the Field Survey Work and Boundary Construction section below.

CAMP BOWIE—WORLD WAR ONE AND WORLD WAR TWO

Camp Bowie was originally located west of Fort Worth, Texas in Tarrant County as a cantonment area of 2,186 acres to accommodate Army divisions mobilizing for World War I from 1917 to 1919. The Thirty-sixth and Ninetieth Infantry Divisions (Texas-Oklahoma National Guard) were demobilized there before Camp Bowie was officially closed on 15 August 1919. The land reverted to residential use.

During the Great Depression, New Deal programs for farm loans and assistance for soil conservation and agricultural projects provided employment opportunities to residents of Brown County. Two Civilian Conservation Corps (CCC) camps were established outside of the City of Brownwood in 1934. From 1934-1941, dams and roads for local soil conservation districts were built on private property. One such dam known as the Brown-Mills Soil Conservation District Flood Impoundments Easement Site 25 built in 1966 on present-day Camp Bowie can be seen in

² Texas General Land Office, Brown County File No. 400.

³ Texas General Land Office, Brown County Scrap File No. 11500. See Surveyor's Statement by Mark E. Ragsdale, Brown County Surveyor, filed 1 February 1916 in S.F. 11500. In response to a letter dated 25 January 1916 from J.T. Robinson, Commissioner of the Texas General Land Office about closing the gap between the south line of the Kerr County School Lands Survey No. 271 and the north line of the T.H. Roberts Survey No. 333, Ragsdale writes Robinson how the common line between Survey No. 271 and Survey No. 333 is to be constructed: "*Run west from the East Cor. of the Roberts 1702 vr. About, thence north west to a line run East from the South West Cor. Of Kerr Co. School Ld. No. 271 to Indian Creek. At Indian Creek a L.O. tree has the orig. mark on it sworn to by McCord, in Court.*"

the center of my survey. In the area of present Lake Brownwood State Park, cabins, lodges and trails were built as part of the CCC plan for building infrastructure for state and national parks.⁴

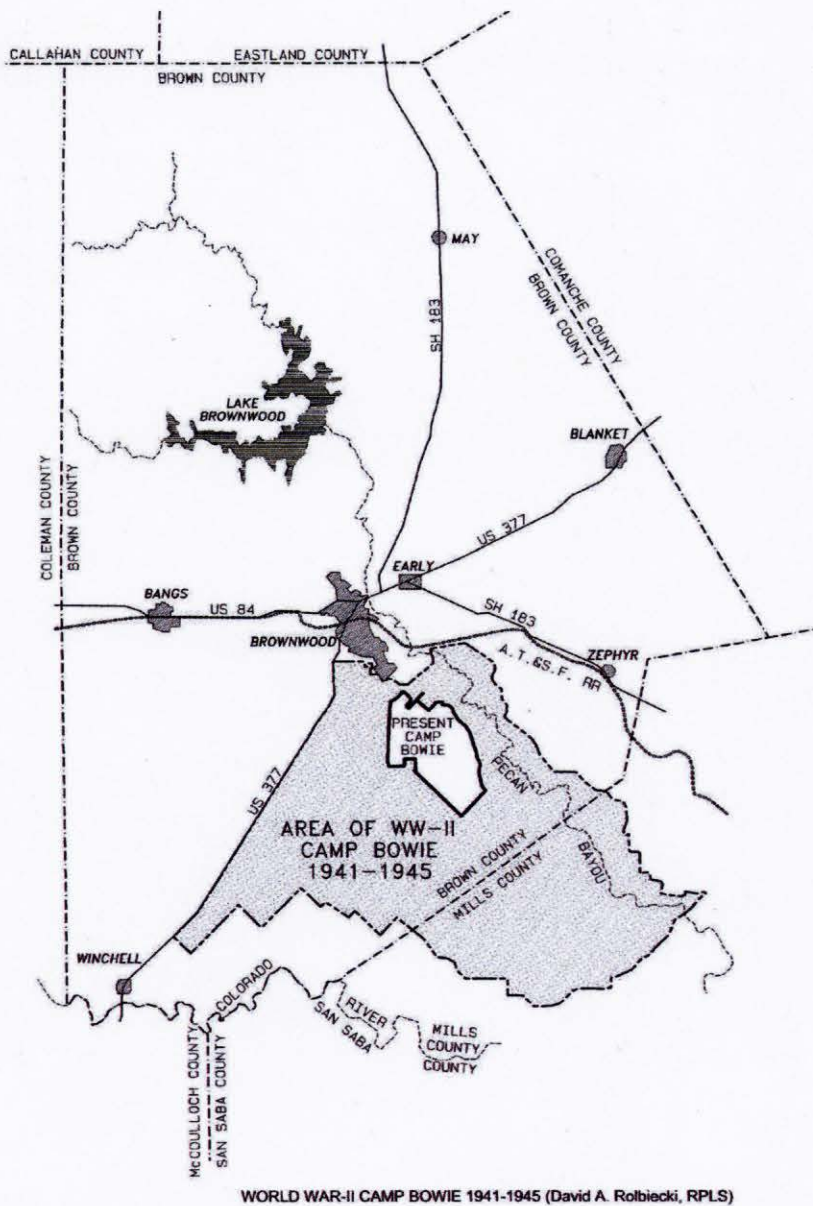


Figure 1. Area of Camp Bowie during World War II (not to scale).

⁴ John J. Leffler, 2002. Ranchers, farmers, Soldiers, and the CCC: The Background for Seven Historical Sites at Camp Bowie, Brown County, Texas. Center for Archaeological Research The University of Texas at San Antonio Archaeological Survey Report, No. 325, p. 14

In 1940, German armies had overrun Europe and war with the United States was imminent. The City of Brownwood and the Chamber of Commerce lobbied the United States government to build a military training camp in Brownwood. Construction of the camp began and by March 1941, 30,000 troops were training to go to war. By 1942, the area of Camp Bowie had expanded to over 120,000 acres through purchase and condemnation proceedings (Figure 1).

Because the United States was at war, purchase of property for wartime use was expedited by the Second War Powers Act and it was acted through legislative and administrative procedures for the "Acquisition of Property for War Purposes". In the absence of voluntary sale by the property owner, the United States was empowered to take property through either the General Condemnation Statute or the Declaration of Taking Act. In a General Condemnation Act acquisition, title and possession by the United States may only be done after final judgement by the court. The Declaration of Taking Act—on the other hand—provides for immediate possession of title and use of the property, with just compensation to be deposited in the court and paid to the condemnee.⁵

More than a hundred families were displaced from their homes and farms when Camp Bowie was built. The United States provided various relocation assistance programs; however, many displaced families suffered heartache over both physical and financial hardships due to losing a growing season of crops, or having to find new employment. Tenants of acquired properties often suffered the most hardship because there was no monetary compensation. The Farm Security Administration provided some help through loans and grants.⁶

By 1945, Camp Bowie was the largest military training facility in Texas, encompassing over 123,000 acres. After the war, Camp Bowie became surplus government land under the Surplus Property Act of 1944 for the orderly disposal of surplus war property to the public. In 1949, 5,410 acres were deeded to the Texas National Guard for the use and benefit of training the Texas National Guard.

CAMP BOWIE LAND TITLE RESEARCH

I made a working sketch of Camp Bowie based on the deeds into the United States by Declaration of Taking(s) during World War II and into the State after the war (Vol. 431, Pg. 457). I assembled the tracts of adjoining private properties for me to survey from deeds retrieved

⁵ United States Department of Agriculture Bureau of Agricultural Economics, 1947. *Acquisition and Use of Land for Military and War Production Purposes World War II*. War Records Monograph-5, August 1947, p.23

⁶ *Ibid*, p. 96

through the land title services of Bob Dedman and Burt Massey.⁷ A list of these tracts are found in Appendix 2.

I researched Texas General Land Office field notes of original surveys that Camp Bowie came out of and incorporated them into my working sketch in order to locate various original survey lines, and in particular, the survey lines as set forth by the aforementioned two separate court-ordered decrees fixing the common line between the Kerr County School Lands Survey No. 271 and the Thomas H. Roberts Survey No. 333, and the southwest line of said Survey No. 333.

FIELD SURVEY WORK AND BOUNDARY CONSTRUCTION

SURVEY CONTROL

A geodetic survey was performed on 8-9 September 2011 for the establishment of a permanent control network on Camp Bowie. Five primary control stations were observed by Global Navigation Satellite System (GNSS) static observations, with baseline ties to CORS Station TXHM (NAD 83(2011) epoch 2010.00). On 1 November 2011, NGS First-Order benchmark W1456 was observed by static GNSS observation to verify the GNSS-derived orthometric elevations of the network using the GEOID09 (CONUS) gravity model. A ground scale factor of 1.000119012 was applied to the network and a site calibration was performed to establish a local control system for Camp Bowie. Bearing system of this survey is U.S. State Plane 1983 (at ground), Texas Central Zone 4203 (U.S. Survey Foot), North American Datum of 1983(CONUS). Vertical Datum: NAVD 88.

SURVEY OF THE STATE LAND

In November 2013, I commenced boundary corner search with Mark Hinojosa along the west line of Camp Bowie, which is the monumented right-of-way of FM Highway 45. We found sufficient highway monuments on both sides of the highway per the right-of-way deed (Vol. 1110, Pg. 229) to the Texas Department of Transportation (TXDOT) to establish Camp Bowie's west line, along a barb wire fence with T-posts.

We ran the west line north to FM Highway 2126 and searched for highway monuments per the January 1954 TXDOT right-of-way map of FM Highway 2126 from FM highway 45 east to County Road 267. We found sufficient monumentation on both sides of the highway to

⁷ Robert H. Dedman, J.D. Land Title Services: Research, Abstracting, Examination 7820 El Dorado Drive, Austin, TX 78737-3007 Phone: (512) 288-6396 E-Mail: pdedman@austin.rr.com
Burt Massey, Massey and West Attorneys At Law, 201 South Broadway, P.O. box 818, Brownwood, TX 76804 Phone: (325) 643-3631.

reconstruct the 120 foot wide right-of-way based on the stationing and offsets from the map as well as corner monuments of several private properties to establish the northwest line of Camp Bowie from FM Highway 45 to the north corner of USA Tract G-740 (Vol. 322, Pg. 285), same being the north corner of Camp Bowie. We set corners at highway stations (60 foot offset right) 7+55.76, PC 22+94.8, PT 28+26.5, PI 42+00, and 46+08.25 (at the north corner of Camp Bowie). An existing barb wire fence with T-posts runs five to fifteen feet along the inside of the Camp Bowie boundary line and was presumably built by camp personnel having no knowledge of the location of the boundary.

The interior of Camp Bowie is made up of multiple "G" tracts in the deed from the United States that went into the State (Vol. 431, Pg. 457). Many of these tracts were laid out in a northeast/southwest direction as they were parceled out of the original surveys along Pecan Bayou and their northeast lines were called to run along the old San Saba-Brownwood Road (now County Road 267), which defines the present northeast line of Camp Bowie. We searched for the interior corners of these tracts to the best of our ability in order to run them up to County Road 267 and found very little evidence of the so-called "stakes" as called out in the metes and bounds descriptions in the deeds to these tracts. We found ancient barb wire fence and rock mounds that indicated possible evidence of the southerly corners of USA Tracts G-722 and G-735 (Vol. 325, Pg. 524 & Vol. 322, Pg. 308, respectively), and the northeasterly corners of Tract G-720 (Vol. 322, Pg. 285).

In running the northeast line of Camp Bowie from FM Highway 2126, we followed the calls in the deed to USA Tract G-740 and found an existing barb wire fence with T-posts that was presumably built by Camp Bowie personnel and maintained over the years, and I took that to be a fence of occupation. On this fence line, I honored the southwesterly corners called out in the deeds to Albert Kinzer (Vol. 1655, Pg. 167) and Richard Biessener (Vol. 1596, Pg. 258) that ran with the northeast line of Tract G-740. The southeast line of Tract G-740 is common with the northwest line of Valton Posey (Vol. 1719, Pg. 257) and both tracts share the barb wire fence.

We encountered the largest bobcat I have ever seen that was caught in a wire snare attached to the barb wire fence running along the southeast line of Tract G-740 that we believe was set by Posey (Figure 2) to catch coyotes and other predators going after his livestock.⁸ The wire snare had cut deep into its hindquarters and we feared the cat would suffer a terrible death, so we decided to free it. The cat was clearly angry, so I held it down with a posthole digger and Mark was able to untie the wire snare. The cat ran off into the brush and we never saw it again. Posey's snare traps are still in place.

⁸ Don King, RPLS, County Surveyor of Brown County, personal communication. Don surveyed Posey's property next to Camp Bowie years ago and maintains contact with him.

The called distances in the deed to Tract G-740 along its southeast line agreed with the steel fence corner post locations and I set a corner monument next to the a steel fence corner post at the south corner of Tract G-740, and being the most southerly southwest corner of Posey. This corner is also on the northeast line of USA Tract G-739 (Vol. 326, Pg. 164).

From that point, I constructed a line at a right angle to the southeast line of Tract G-740 per its deed, and intersected a steel fence corner post in the northwest line of USA Tract G-735. I accepted this corner as the most easterly corner of Tract G-739 and being the most southerly corner of Posey, and set a one half-inch iron with a yellow plastic cap stamped "WITNESS" near the base of the fence corner post.

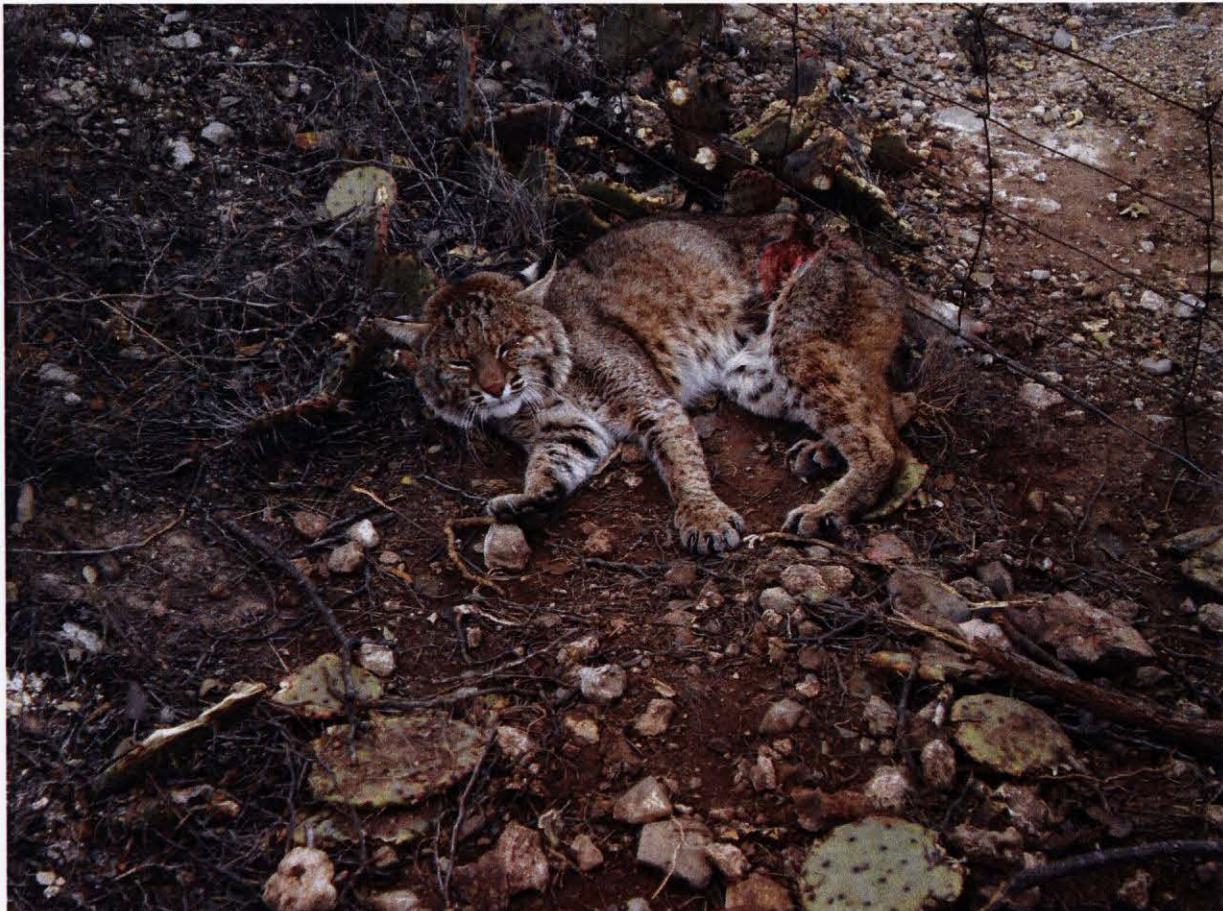


Figure 2. Large bobcat found snared along the common line with Walton Posey and USA Tract G-740.

I constructed a line at a right angle to the northeast line of Tract G-739 and ran northeast and found a one half-inch iron rod next to a wooden fence corner post that I accepted as the north corner of Tract G-735 ("Second Parcel"), same being the southwest corner of Tract G-735 ("First Parcel"). It should be noted that this "First Parcel" is a 1.9 acre strip of land 40 feet in width, and

to the best of my knowledge, this parcel never showed up in any of the contemporary maps of Camp Bowie, either in the Texas National Guard GIS database, or in open source scholarly publications on Camp Bowie made available to the public. Nevertheless, it was included in the deed from the United States into the State. This parcel was a "Save and Except" clause in the deed to Phillip R. Richey for 179 acres (Vol. 1252, Pg. 17), leaving a net acreage of 177.1 acres (call). To establish the northwest line of Tract G-735 ("First Parcel"), I constructed a line from the iron rod found at the north corner of Tract G-735 ("Second Parcel") and along an existing barb wire fence North 43°00'12" East to a steel fence corner post found at Valton Posey's northeast corner that was in a fence occupying the southwest side of County Road 267. I met with Philip Richey and discussed the issue of "First Parcel" being part of Camp Bowie, and he later confirmed it with his attorney who prepared the title commitment for his tract back in 1997. According to Mr. Richey, his attorney admitted this was overlooked in the title commitment even though the save and except clause was written in the deed. We searched for corner monuments along its northeast line and found none; however, we found a 42-inch post oak tree that I believe was the called for post oak witness tree for Richey's north corner. The parcel was laid out per deed distance and corners at right angles, and the southeast line was run 40 feet parallel to its northwest line back to the northeast line of Tract G-735 ("Second Parcel") to a corner set in an intersecting barb wire fence.

We continued southeasterly along said northeast line as occupied by fence to a steel fence corner post found in the northwest line of USA Tract G-722 which was called to be in the northwest line of the James Cotton Survey No. 42, and after an unsuccessful search for called for stone mounds and witness trees (the area surrounding this corner had been cleared for cultivation many years ago), I accepted this post as the east corner of Tract G-735 and the south corner of the Richey tract. I constructed the northwest line of Tract G-722 by connecting a line from the east corner of Tract G-735 North 42°40'32" East along a barb wire fence to a steel fence corner post found intersecting a barb wire fence and set a corner in the southwest side of County Road 267 in the southeast line of a small fillet-shaped tract to Phillip Richey (Vol. 1347, Pg. 631).

-----**COUNTY ROAD 267**-----

On the matter of County Road 267. It is an asphalt-paved road approximately 20 feet in width, maintained by Brown County, but has no dedicated right-of-way width.⁹ The width varies from the locations of fences on both sides of the road, and has evidence of bar ditches maintained by the County. Many, if not all privately-owned tracts I surveyed along County Road 267 went to the fence lines occupying the side of the road, and the metes and bounds descriptions of these lines were vague; some never mentioning a fence, but simply a "[public] road". What constituted the boundary in a "road"? Was it to the center of the road, or to the north or south "side"? The term "meanders of the road" was used quite extensively in these early deeds and are

⁹ Don King, RPLS, personal communication. Also, looking at the so-called official county road map shows only lines for roads and their assigned numbers—nothing more.

still used in some of these rural descriptions of late. What was meant as a “meander” for a road? Could it mean to generally follow the center of the road, or along either side? This left a lot of room for interpretation, and in my opinion, some surveyors were conservative and felt it safe to only go to the fence, even if there was evidence of corner monumentation in the road. Indeed, County Road 267 is like many rural routes that evolved over time from running along the center of tract lines, turning right or left at right angles at the tract corners; and over time, automobile transportation became more advanced and faster, which necessitated the need to round the corners and put curves in the road. This evolution is not unlike the gradual and imperceptible changes of the banks of a river over time. Looking at early USGS maps and old imagery will show that these roads “stair-stepped” from one tract corner to another and then straight again. Today, County Road 267 is not in its original location, specifically along its curves. One good example is the small fillet of the aforementioned tract deeded to Phillip Richey for “all that property south and west as to what is commonly known as Elkins Road [County Road 267]” (Vol. 1347, Pg. 631). That fillet tract was originally the south corner of someone’s property, and when County Road was “smoothed” from right angle turns to an “S” curve, it cut off that south corner, and the owner before Richey probably deemed it useless.

-----**COUNTY ROAD 267**-----

From said set corner in the southeast line of Richey’s fillet tract, we ran the northeast line of Tract G-722 along the existing barb wire fence segmenting along the southwest side of County Road 267 as I interpreted the deed to Tract G-722 to run “with the meanders of said Brownwood and Austin Road [County Road 267]”. The fence line continued to a three eighth-inch spike nail we found at the northwest corner of a called 6.381 acre partition deed to Samuel B. Allen et al. (Vol. 1039, Pg. 754). From said spike nail, we departed the fence line along the south side of County Road 267 and traversed along a washed out gravel road and ran Allen’s south line with segments of a found barb wire fence as called in Allen’s deed to a steel fence corner post found back in the southwest side of County Road 267. From that point we picked up the fence line along the southwest side of the road to a point in the fence for the north corner of a called 164.824 acre tract the City of Brownwood deeded to the Texas National Guard Armory Board (Vol. 1111, Pg. 560) in a land swap for the same acreage for the City’s land fill to the west of FM Highway 45. This northwest line of this 164.824 acre tract is also called to be in the southeast line of the James Cotton Survey No. 42. The metes and bounds description was called to be fenced around the entire perimeter to include along the southwest side of County Road 267. We surveyed the entire perimeter fence of this tract and found fence corner posts along the southwest side of County Road 267 at nearly all the deed corners except for a couple of fence PIs where I set corner monuments. Leaving the east corner of this 164.824 acre tract and continuing southeasterly with the fence occupying the south side of County Road 267, I accepted this line to be the northeast line of USA Tract G-716 (Vol. 325, Pg. 34), and ran it to a steel fence corner post found at the called north corner of USA Tract 302 (Vol. 1168, Pg. 782).

Leaving the southwest side of County Road 267, we ran South 43°28'31" West with the common line of Tract 302 and Tract G-716 10164.70 feet to its south corner and found a three eighth-inch iron rod at the most westerly corner of Tract 302, which was called to be in the southwest line of the Henry Talley Survey No. 39. This line is common with the easterly lines of Kerr County School Lands Survey Nos. 271 & 272, the easterly line of Tract G-716, and the easterly line of a called 54.4 acre tract in a "Save and Except" clause to the Texas National Guard in a deed to Chris Labay et ux. (Vol. 1024, Pg. 73). We ran South 46°30'24" East 1877.95 feet and found a three eighth-inch iron rod that was called in Tract 302 to be the south corner of Survey No. 39. Thence South 43°28'57" West 1644.20 feet to a railroad spike found for corner, and South 1°34'52" East 929.40 feet to the southwest corner of Tract 302.

-----**THE COURT-ORDERED FIXED LINE OF SURVEYS 271 & 333**-----

As previously mentioned, there was a court order in the late 1800s fixing the south line of the Kerr County School Lands Survey No. 271 with the north line of the Thomas H. Roberts Survey No. 333. Also mentioned was the 1996 lawsuit and subsequent court order fixing the southwest line of USA Tract 300, same being the southwest line of the Roberts Survey No. 333. I found out about the 1996 lawsuit from Don King, RPLS when I was finding corner discrepancies along the southwest line of Tract 300, which was called to be a continuously straight line for 15,443 feet. Don gave me the history of the lawsuit and I went to the Brown County District Court and researched the case file. The particulars of the case may be found in Appendix 1, but the issue was that according to Don, James D. Harlow (plaintiff) had stolen deed records from the county clerk's office, altered the field notes in several deeds, and surreptitiously placed them back in the county clerk's files. Harlow and others on his side also pulled up boundary corner monuments and fences along the southwest line of Tract 300.

R.L. Barnett, Licensed State land Surveyor, had surveyed and monumented Tract 300. Having found nearly all of Barnett's corners to include his passing calls to monuments found along Tract 300's southwest line, I needed to find the west corner of Tract 300, which Barnett honored as the west corner of the Roberts Survey No. 333 and being an old fence corner post (in his later re-survey an iron pin was set at an "old fence corner post (broken off)". This corner was called to be in the fixed line of Surveys 271 & 333. The other corner I needed to find was Barnett's corner 10,980 feet to the east where he set a 60P nail at an old "T" corner post (referred to by Don King as "Barnett's Spike"). This was the point from which the Court ordered the fixed line to run "slightly north of west to Indian Creek". Unfortunately, this corner was destroyed by Camp Bowie personnel when they tore down the old barb wire fence along this line.

Don King had previously surveyed the fixed line of Surveys 271 & 333 in 1999 when he was ordered by the Court in Harlow's lawsuit to locate Tract 300. I contracted Don to reset the Barnett Spike corner and another corner he had set for Robert Beadel's 179 acre tract (Vol. 810,

Pg. 343), which was a key corner for Camp Bowie, and it fell on this fixed line. I later tied in Don's reset corners, and projected a line from the Barnett Spike North $88^{\circ}28'51''$ West through Beadel's reset southeast corner, and continued 16,108 feet to where it hit a stone cap found on the south wall of a bridge crossing the center of Indian Creek on County Road 233. I accepted this to be the intended fixed common line of Surveys 271 & 333.

-----**THE COURT-ORDERED FIXED LINE OF SURVEYS 271 & 333**-----

Having reconstructed the fixed line between Kerr County School Lands Survey No. 271 and Thomas H. Roberts Survey No. 333, the found southwest corner of Tract 302 was 6.85 feet north of this line. I extended the State line running South $1^{\circ}34'52''$ East to intersect the reconstructed fixed line of Surveys 271 & 333.

From this point, the State land runs North $88^{\circ}28'51''$ West to said corner Don King set for Bartlett's 179 acre southeast corner, which I witnessed with a 10 inch live oak tree marked "X". The remaining southerly lines of the State land around Beadel's tracts are clearly depicted and easily understood in my field notes and survey plat.

SURVEY OF THE FEDERAL LAND

The east lines of USA Tracts 301 and 302 were found per the field notes in their deeds, and called to be in the "west margin of County Road 267 along an existing barb wire fence, and clearly depicted on my survey. We found several three eighth-inch iron rods at corners along the lower interior line between the two tracts that were consistent with their record calls.

Explaining the survey of USA Tract 300 may be found in Appendix 1. There are just a few key points I wish to mention concerning this tract.

First, the east line of this tract was called by R.L. Barnett to be in the "Old Brownwood and San Saba Road [County Road 267]" and not along a fence in the west side of the road. I found three eighth-inch iron rods at the northeast and southeast corners of Tract 300 that fit very well with the calls in the field notes in Vol. 1119, Pg. 78.

Second, the south corner of Tract 300 was called by Barnett to be in a "public road [County Road 264]" for the south corner of the Thomas H. Roberts Survey No. 333. I found a three eighth-inch iron rod in the approximate center of County Road 264 which fit very well with the calls in the field notes in Vol. 1119, Pg. 78. Don King did not recognize these corners to be true of Barnett's survey and chose to use fence corner posts on the sides of the county roads, which I found and referenced.

Third, having found the majority of the called for corners in Tract 300. I was able locate the southwest line of Tract 300 based on Barnett's passing calls and found his called for west corner where this line intersected the reconstructed fixed line of Surveys 271 & 333. This corner was one of several that Don King said that Harlow had destroyed, and Mark and I made at least four earlier attempts to locate the called for iron pin at the broken off old fence corner post, but were unsuccessful. The area around this corner had been cleared out and any evidence of old fence lines were gone. After I the reconstructed fixed line of Surveys 271 & 333, I went to the calculated point where this corner was supposed to be and dug down about four inches until my shovel hit something solid. I cleared out the hole and found a broken off cedar fence corner post (Figure 3). I perpetuated this corner by setting a one foot-long, three by five-inch limestone block next to the southwest base of this post and scribed the initials "TR" on top. I placed a mound of rocks around this corner and accepted this to be the west corner of Tract 300 and the west corner of Survey No. 333 (Figure 4).



Figure 3. Found ancient cedar fence post for the west corner of USA Tract 300 and the west corner of the Thomas H. Roberts Survey No. 333.



Figure 4. Limestone block scribed “TR” for the west corner of Survey 333.

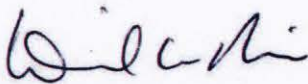
To affirm my belief that I found Barnett’s line, refer to the inverse report of the southwest line of Tract 300 in Appendix 3. Barnett’s survey of the southwest line of the Thomas Roberts Survey No. 333 in October 1972 (Tract 300 came out of this survey) called to run South $45^{\circ}00'00''$ East. His bearings are assumed to be “True”, either determined by astronomic observation of Polaris or by using a solar compass. My measured geodetic azimuth from the limestone block at the northwest corner of Tract 300 (Point 781) to the three eighth-inch iron rod found in the center of County Road 264 (Point 682) was $135^{\circ}00'35''$. Applying a Laplace correction¹⁰ for the latitude and longitude of Point 781 by reversing the algebraic sign yielded an astronomic azimuth of $135^{\circ}00'36''$, or a bearing of South $44^{\circ}59'24''$ East, which was only 36 arc-seconds off Barnett’s bearing of South $45^{\circ}00'00''$ East—a remarkable achievement by Barnett considering the instruments used in the day had a Vernier circle commonly graduated to one minute of arc, and could be read to 30 arc-seconds or less.

¹⁰ Laplace correction computed by DEFLEC09 (National Geodetic Survey, NGS Toolkit <<https://www.ngs.noaa.gov/TOOLS/>>)

There is clearly a conflict into Tract 300 based on corner monuments I found on the ground per the deeds to Alan Duane Maynard et ux. (Vol. 65, Pg. 268) and the Robert A. Beadel et ux. "Second Tract" (Vol. 810, Pg. 343). The surveyors of these tracts, in my opinion, chose to follow the fence lines along their northeast lines that replaced the original fence along the southwest line of the Thomas H. Roberts Survey No. 333 when R.L. Barnett surveyed it in 1972 and subsequently for the sale of Tract 300 to the United States.¹¹ The land surveyors that came after Barnett to survey the adjoining lands of Tract 300 may have relied on the fences put up after the original fence was torn down and accepted the latter fence corner posts as the corners to their boundary. In *Stover v. Gilbert et al.*, the Honorable Court of Civil Appeals stated, "*It is well settled that ancient boundaries, in the absence of opposing evidence sufficient to establish their location, may be proved by evidence of common reputation.*"¹² However, it is my opinion that there was a preponderance of the evidence of the true line of Tract 300 based on Barnett's surveys. The most compelling evidence is the finding of Barnett's corners at the south and west corners of Tract 300 and Survey 333 along with his passing calls in his 1992 survey, and his passing call of an "L" fence corner post after leaving said west corner. From the found west corner of Tract 300 I ran South 88°28'51" East, and passing at 101.23 feet I found Don King's capped iron rod at the west base of a wooden fence corner post [deed call from Barnett's 1992 survey: South 87°42' East at 101.6 feet pass an "L" fence corner post]. The southwest line of Tract 300 is where it should be based on Barnett's surveys done on this tract four decades ago and in 1992.

This report is furnished with my corresponding survey and field notes. The perimeter survey of Camp Bowie was made on the ground under my supervision from 21 November 2013 to 24 March 2016.

Respectfully submitted,



David A. Rolbiecki
Registered Professional Land Surveyor No. 5919
Licensed State Land Surveyor,
State of Texas



Enclosures:

Appendix 1, 2 & 3

¹¹ I found large bundles of rolled up old barb wire fence in multiple locations on the ground along the existing fence lines now occupying the northeast lines of Maynard and Beadel.

¹² 112 Tex. 429, 247 S.W. 841.



TEXAS MILITARY DEPARTMENT

Texas Army National Guard
Post Office Box 5218
Austin, Texas 78763-5218

14 April 2016

Subject: Survey Report of a 2016 Retracement Survey of United States of America Tract 300, Camp Bowie, Brown County, Texas.

In response to Texas Military Forces requirements for accurate locations of state and licensed lands for the use and benefit of the Texas National Guard, I have completed the research, field survey, and monumenting on the ground the state and federally-owned boundary of post-World War II Camp Bowie.

A conflict was discovered along the southwest line of United States of America Tract 300 during the course of field boundary work from 21 November 2013 to 24 March 2016. Based on corner monuments found, the northeast lines of tracts belonging to Robert A. Beadel and Alan Duane Maynard extends into the upper one third of the southwest line of Tract 300, creating a 2.06 acre overlap (refer to Boundary Line Exhibit). The called northwest corner of Tract 300 found on the ground by me in 2016 is cut off by 101 feet to the west after locating the northeast corner of Robert A. Beadel's tract. A 5.9 acre gap exists between the northeast line of a tract belonging to Star B Property Company, LTD. and the lower two thirds of the southwest line of Tract 300. The northeast corner of Star B Property Company, LTD. was found to be 40.75 feet southwest of the southwest line of Tract 300.

After parol testimony and records search, the conflict was determined to be the result of a boundary line fixed by court order from a lawsuit styled: *James D. Harlow vs. John Mathis Giles, Sam Trenton Cutbirth, Robert Beadel, and Bradley W. Brookshire Cause No. 96-09-592* (Final Judgment filed in Volume 159, Page 187 District Court of Brown County, Texas 35th Judicial District). The United States of America was not part of this lawsuit, and to the best of my knowledge, was never put on notice. However, the court-ordered line affects the southwest line of Tract 300.

1. VESTING DEEDS INTO THE STATE OF TEXAS AND THE UNITED STATES

The lands into the State of Texas is from a deed without warranty from the United States of America to the Texas National Guard Armory Board filed on 22 March 1950, recorded in

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

Volume 380, Page 496, Deed Records, Brown County, Texas (correction deed filed on 6 October 1954, recorded in Volume 431, Page 457, Deed Records, Brown County, Texas). The federal lands are made up of United States of America Tracts 300, Tract 301 and Tract 302:

- Tract 300 was described in a deed from Kenneth L. Musgrave et ux. Etta D. Musgrave for 2213.38 acres (call), filed on 15 October, 1992, recorded in Volume 1119, Page 78, Deed Records, Brown County, Texas.
- Tract 301 was described in a deed from Henry Volger et ux. Rosalie Volger for 513.775 acres (call), filed on 6 January 1995, recorded in Volume 1186, Page 188.
- Tract 302 was described in a deed from Chris Labay et ux. Debi Labay for 1130.827 acres (call), filed on 20 June 1994, recorded in Volume 1168, Page 782, Deed Records, Brown County, Texas.

2. THE LAWSUIT AFFECTING THE SOUTHWEST LINE OF UNITED STATES OF AMERICA TRACT 300

In 1996, James D. Harlow filed a lawsuit against John Matthews Giles, et al. in the 35th Judicial District Court of Brown County, Texas claiming ownership of 18.9 acres that Harlow purported to come out of 2213.1 acres of land in the Thomas H. Roberts Survey 333, Abstract No. 803 and the Pleasant McAnelley Survey No. 35, Abstract No. 626, and what is now United States Tract 300 (refer to "1-Plaintiffs Original Petition_96-09-592"). Harlow hired R.L. Barnett, Registered Public Surveyor (now deceased) to survey the 2213.1 acres in 1972 (refer to "R.L. Barnett Survey 2213.1 acres"). R.L. Barnett's survey shows Harlow's 18.9 acres to be outside the T.H. Roberts Survey No. 333 and in the V.A. Cross Survey No. 10, Abstract No. 1536, H.&T.C. RR Co. Survey No.17, Abstract No.12.

Chain of title from Harlow to United States Tract 300 appears to be:

- Multiple tracts totaling 2215 acres (call) described in a deed of trust from James D. Harlow et ux. Dorothy Henry Harlow to Clyde McIntosh filed on 19 March 1961, recorded in Volume 108, Page 175, Deed Records, Brown County, Texas.
- Multiple tracts totaling 2215 acres (call) described in a deed from Robert J. Henry et ux. Norma K. Henry to James D. Harlow et ux. Dorothy Henry Harlow filed on 20 March 1961, recorded in Volume 485, Page 526, Deed Records, Brown County, Texas.
- 2213.1 acres (call) from James D. Harlow et ux. Dorothy Henry Harlow to Claude R. McClennahan, Trustee described in a deed filed on 21 November 1972, recorded in Volume 638, Page 524, Deed Records, Brown County, Texas. This tract was surveyed in 1972 by R.L. Barnett, Registered Public Surveyor.

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

- 2213.1 acres (call) from Kenneth H. Walker, Trustee to Kenneth L. Musgrave, Trustee described in a deed filed on 14 July 1982, recorded in Volume 814, Page 911, Deed Records, Brown County, Texas. Metes and bounds description is the 1972 survey by R.L. Barnett, Registered Public Surveyor.
- 2213.1 acres (call) from Kenneth L. Musgrave, Trustee et ux. Etta Musgrave to Tredon Cutbirth described in a deed filed on 12 November 1986, recorded in Volume 943, Page 236, Deed Records, Brown County, Texas. Metes and bounds description is the 1972 survey by R.L. Barnett, Registered Public Surveyor.
- 2213.38 acres (call) from Kenneth L. Musgrave et ux. Etta D. Musgrave to the United States of America [Tract 300] filed on 15 October, 1992, recorded in Volume 1119, Page 78, Deed Records, Brown County, Texas. Metes and Bounds description called to be a “re-survey of 2213.1 acres”. Surveyor of record appears to be R.L. Barnett, Registered Public Surveyor.¹
- 20 foot wide easement & right-of-way to James D. Harlow notarized on 16 November 1972, filed on 9 May 1994, recorded in Volume 1165, Page 93, Deed Records, Brown County, Texas. The easement is described: "*Beginning at the southwest corner of the T.H. Roberts Survey No. 333 and also beginning at a fence corner in the southwest line of said Roberts Survey bearing N45°00'W and along an old fence line 5564.8 varas to a fence in the south line of Survey No. 271*". The scope of the easement was for a road that “*permits access to a [sic] 18.9 acre tract of land in Brown County, Texas. Said tract of land is more fully described in the field notes prepared by R.L. Barnett, Registered Public Surveyor*”.

The case focused on the southwest line of the Thomas H. Roberts Survey 333, Abstract No. 803 and both plaintiff and defendants had their own land surveyors survey the line and present it to the court. Don King, Registered Professional Land Surveyor and County Surveyor of Brown County, Texas was the expert witness for the defendants in this lawsuit. Harlow purported that his 18.9 acres was located “*wholly within the boundaries of the Thomas H. Roberts Survey, Abstract No. 803*”, whose entirety lies within Tract 300. In 2002, the court denied Harlow’s claim and fixed the common line between the defendants and Tract 300 as per above. Harlow filed an appeal in April 2004 in the State Court of Appeals, Eastland District (*Harlow vs. Giles et al. No. 11-03-00080-CV, 132 S.W.3d 641 (2004)*) claiming adverse possession of 28.64 acres into the defendants’ lands when he was the land owner of what is now United States Tract 300. Harlow’s appeal was overruled (refer to “10-Harlow vs. No. 11-03-00080-CV...”).

3. FOUND MONUMENTATION

¹ According to Don. King, Registered Professional Land Surveyor and County Surveyor of Brown County, Texas.

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

I surveyed both the state and federal portions of Camp Bowie from 21 November 2013 to 24 March 2016. The bearing basis and coordinate system of the survey is U.S. State Plane 1983 (at ground), Texas Central Zone 4203 (U.S. Survey Foot), North American Datum of 1983 (CONUS) established by post-processed baselines from CORS Station TXHM (NAD 83(2011) epoch 2010.00) to GNSS Station 502 as the starting point //10,569,000.668°N // 2,725,882.627°E// and to GNSS Station 510 for the establishment of a permanent control network. A ground scale factor of 1.000119012 for this survey was applied to Station 502 using WGS-84 ellipsoid coordinates //31°39'24.60975"N // 098°57'12.86894"W// and an ellipsoid height of 1382.549 feet making this a local coordinate system. Vertical Datum: NAVD 88. GNSS-derived orthometric elevations determined by post-processed baselines from the TXHM antenna phase center to GNSS Stations 502 and 510 using GEOID09 (CONUS) yielding an elevation of 1466.88 feet for Station 502, and field verified by direct GNSS observation to NGS 1st-Order bench mark W1456.

The perimeter of Tract 300 was found per the field notes in Volume 1119, Page 78. The **BEGINNING POINT** of Tract 300 is a 3/8 inch iron rod found in the approximate center of County Road 264. Said point being recognized by R.L. Barnett as the south corner of the Thomas H. Roberts Survey No. 333.

THENCE North 45°42'29" West [deed call: North 44°55'22" West] with the southwest line of Tract 300, I found the following:

- Steel fence corner post 2-1/2 inches in diameter at 28.5 feet bears South 44°17'31" West 1.6 feet [deed call: pass iron pin set at 3-1/2 inch steel post at 28.3 feet]²
- 12 inch steel fence post at 10518.83 feet bears South 44°17'31" West 41.98 feet and believed to be the southeast corner of Harlow's purported 18.9 acres
- 5/8 inch iron rod for the northeast corner of Star B Properties, LTD at 10722.79 feet bears South 44°17'31" West 40.75 feet
- Steel fence post 2-1/2 inches in diameter for the east corner of Alan Duane Maynard at 12262.72 feet bears South 44°17'31" West 6.62 feet [deed call: at 12262.78 feet an iron pin at a fence post bears South 45°04'38" West 6.1 feet]
- 1/2 inch iron rod for the east corner of Robert A. Beadel's "Second Tract" at 14035.41 feet bears North 44°17'31" East 29.66 feet [deed call: at 14035.4 feet an iron pin at a "T" fence corner post bears North 45°04'38" East 29.4 feet]

² According to Don King, this fence corner replaced an older fence corner that was actually on the called southwest line of Tract 300.

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

- Ancient four inch broken cedar fence post found for corner at 15442.94 feet [deed call: a total distance in all of 15442.56 feet to an iron pin set at an old fence corner post (broken off) for the West corner of said Roberts Survey and the West corner of this tract]

The ancient broken cedar post I found is located in the common line of the Thomas H. Roberts Survey No. 333 and the Kerr County School Land Survey No. 271 as fixed by Decree of District Court of Record in Volume C, Page 273 of the District Court Minutes of Brown County, Texas. To perpetuate this corner, I set a 3 by 5 inch limestone block with the initials scribed "TR" at the southwest base of the cedar post and placed a pile of rocks around the monument.

THENCE with the north line of Tract 300 and the common line of the Thomas H. Roberts Survey No. 333 and the Kerr County School Land Survey No. 271:

South $88^{\circ}28'51''$ East passing at 101.23 feet a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the west base of a wooden fence corner post marking the northeast corner of a tract of land described in a correction deed to Robert A. Beadel et ux. Ann Hargrove Beadel as "Second Tract" of 14.4 acres (call) filed on 29 April 1982, recorded in Volume 810, Page 343, Deed records, Brown County, Texas, and passing at 403.85 feet a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the southeast base of a 2-1/2 inch steel fence corner post marking the southeast corner of said Beadel's "Third Tract" of 179 acres (call), and continuing for a total distance of 10981.17 feet to a 1/2 inch iron rod with yellow plastic cap marked "KING" found for corner [deed call: South $87^{\circ}42'$ East at 101.6 feet pass an "L" fence corner post and continue on for a distance in all of 10980.4 feet to a 60P nail set in an old "T" corner post];

North $89^{\circ}23'26''$ East 4245.99 feet to a 3/8 inch iron rod found for corner in asphalt paving in the west side of County Road 267, from which a 5/8 inch iron rod found at the east base of a 3-1/2 inch steel fence corner post bears South $89^{\circ}46'36''$ West 32.53 feet [deed call: South $89^{\circ}49'37''$ East 4246.94 feet to an iron pin set in the old Brownwood and San Saba Road for the northeast corner of this tract, from which an iron pin set at a 3-1/2 inch steel post bears South $89^{\circ}49'37''$ East 33.03 feet³];

THENCE with the east line of Tract 300:

South $06^{\circ}27'52''$ East a distance of 945.03 feet to a cotton spindle set for corner in asphalt pavement [deed call: South $05^{\circ}39'27''$ East 945.28 feet];

South $15^{\circ}21'26''$ East a distance of 999.17 feet to a cotton spindle set for corner in asphalt pavement [deed call: South $14^{\circ}34'27''$ East 999.17 feet];

³ I believe this to be a typographical error to the witness tie and the deed call should be North $89^{\circ}49'37''$ West 33.03 feet.

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

South 12°17'26" East a distance of 1172.50 feet to a cotton spindle set for corner in asphalt pavement [deed call: South 11°30'27" East 1172.5 feet];

South 16°50'26" East a distance of 341.11 feet to a cotton spindle set for corner in asphalt pavement [deed call: South 16°03'27" East 341.11 feet];

South 27°30'26" East, a distance of 317.78 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner [deed call: South 26°43'27" East 317.78 feet];

South 40°13'26" East a distance of 1123.77 feet to a 3/8 inch iron rod found for corner in asphalt pavement, the most easterly corner of said Tract 300 [deed call: South 39°28'27" East 1123.89 feet for the Southeast corner of this tract];

THENCE South 43°43'26" West with the southeast line of said Tract 300, passing on line at 24.1 feet and 0.7 feet at a right angle to the southeast a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the northeast base of an old wooden fence corner post [deed call: South 44°30'33" West at 25.0 feet pass an old corner post in the west line of said road], and continuing for a total distance of 8335.07 feet [deed call: 8336.33 feet] to the **POINT OF BEGINNING** and containing 2213.2 acres of land.

4. DISCUSSION

There is no record of this lawsuit in the Real Property files of the Texas Military Department. I found out about this after I spoke with Don King, County Surveyor of Brown County, and he mentioned the lawsuit, which put me on notice. According to Don, James D. Harlow made alterations of several public documents he took out of the Brown County Deed Records and surreptitiously placed them back.⁴ One of them was R.L. Barnett's 1972 survey of the 2213.1 acres that later went to the United States (Tract 300). The pretrial motions mention the alleged alterations when the defense questioned Harlow about this (refer to "2-Pretrial Motions_96-09-592(1 of 2)"). There are two documents I have found suspect. One of them is the 20 foot wide easement & right-of-way to James D. Harlow: it was notarized on 16 November 1972, but filed on 9 May 1994 and recorded in Volume 1165, Page 93, Deed Records of Brown County, Texas, before the lawsuit was filed (refer to "11-Esmt to Harlow Vol 1165 Pg 93"). The second document is an affidavit signed by Robert J. Henry and notarized on 12 September 1973, but filed on 29 August 1995 and recorded in Volume 1205, Page 600, Deed Records of Brown County, Texas (refer to "13-Henry-Affidavit-V1205-P600"). This document has field notes of Harlow's 18.9 acre tract, and in the General Description, the tract is described to be in the T.H.

⁴ Don King said the defense hired a retired forensics expert in documents, fonts and signatures to testify to the fact the documents were altered.

Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

Roberts Survey No. 333, and not in the V.A. Cross Survey No. 10 and the H.&T.C. RR Co. Survey No.17, as shown in R.L. Barnett's 1972 survey of 2213.1 acres.

The Final Judgement of the lawsuit was given by Donald H. Lane, Judge Presiding:

"The Court finds and it is ORDERED that the southwest line of the property now owned by the United States of America as described in Deed recorded in Volume 1119, Page 78, Real Property Records of Brown County, Texas, runs along the Southwest line of the Thomas H. Roberts Survey No. 333, Abstract No. 803, that the Southwest line of the Thomas H. Roberts Survey No. 333, Abstract No. 803 is common with the Northeast boundary line of the Defendants' property, and that the current fence is constructed along the common lines".

The Judge's decision to fix the common boundary line between the United States and Beadel et al. created an ambiguity in that he says the line runs ALONG the T.H. Roberts southwest survey line and that of the southwest line of Tract 300; and in what appears to be an afterthought, the judge also says the [current] fence is constructed ALONG the common line. Interpreting the final judgement would be straightforward if not for the so-called afterthought. According to Black's Law Dictionary, 'along' can mean, "*Lengthwise of, implying motion or at or near, distinguished from across...The term does not necessarily mean touching at all points; nor does it necessarily imply contact.*"⁵

I obtained parol testimony from four people as to where they believed the common line between United States Tract 300 and the adjoining tracts were:

- 24 March 2016: Lieutenant Colonel Jamie Creek, Officer in Charge of Camp Bowie. Lieutenant Colonel Creek said he assumed it was the fence along the range road along the southwest line of Tract 300.
- 25 March 2016: Don King, County Surveyor. Don says the court-ordered line fixing the common line between the United States and Beadel et al. is to be held. Don also admitted the fence running the entire length of the southwest line of Tract 300 has been rebuilt since the lawsuit.
- 25 March 2016: Robert Beadel, one of the named defendants of the lawsuit. Mr. Beadle stated his northeast line is the existing fence line.
- 25 March 2016: Gerald G. Hale, one of the two lawyers for the defense, and the one that prepared the Final Judgement dated 29 November 2002. Mr. Hale stated that the intent of the Final Judgement was for the northeast lines of Beadel et al. "To go to the existing fence ALONG the southwest line of the United States [Tract 300]."

I also surveyed the interior perimeter road of Camp Bowie along the southwest line of Tract 300. This road was staked out and constructed by a Texas Army National Guard engineer

⁵ Revised Fourth Edition. St. Paul, Minn. West Publishing Co. 1968.

company in 2014, with no knowledge of the boundary lines of Tract 300. If the southwest line of Camp Bowie is held to the line described in the deed to the United States in Volume 1119, Page 78, the perimeter road along the southwest two-thirds of Tract 300 falls as much as 20 feet southwest of the boundary. The road begins to reenter Tract 300 after passing the northeast corner of the Star B Properties, LTD. tract. A more recent eight foot tall deer fence was constructed along the northeast line of Star B Properties⁶ and I believe the National Guard engineer company depended on this fence to locate the new perimeter road.

The deed describing the southwest line of Tract 300 (Volume 1119, Page 78) gives passing calls to fence corners that were found by me in 2016 which are off the line, but may be interpreted as "along"; hence, the passing calls. I believe the re-survey done for United States Tract 300 correctly represents R.L. Barnett's 1972 survey for Harlow as found by me during this retracement survey.

5. CONCLUSION

I found the perimeter boundary of United States of America Tract 300 per the field notes described in Volume 1119, Page 78, Deed Records, Brown County, Texas.

A conflict exists between the upper one third of the southwest line of Tract 300 and the northeast line of tracts belonging to Robert A. Beadel and Alan Duane Maynard, creating a 2.06 acre overlap. The called northwest corner of Tract 300 found on the ground by me in 2016 is cut off by 101 feet to the west after locating the northeast corner of Robert A. Beadel's tract. The conflict was determined to be the result of a boundary line fixed by court order from a 1996 lawsuit filed by a previous owner of Tract 300 against the owners adjoining the southwest line of Tract 300.

The United States of America is believed to be unaware of this lawsuit and was never put on notice of the fixed line by the court order, which affects Tract 300.

The officer in charge of Camp Bowie along with the land owner named in the lawsuit and the defense lawyer believe the common line between Tract 300 and the adjoining property to be along the present fence line.

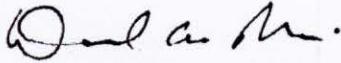
I believe the re-survey done for the deed into United States Tract 300 correctly represents R.L. Barnett's 1972 survey for James D. Harlow and the southwest line of Tract 300 as found by me during this retracement survey is where it should be as originally described by Barnett and in Volume 1119, Page 78.

⁶ Don King agreed that this fence was not built during the time of the lawsuit.

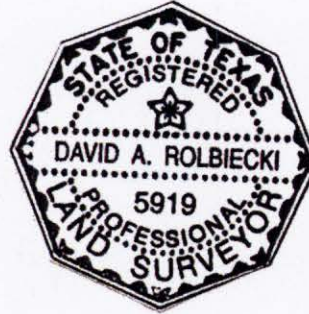
Appendix 1: Survey Report to U.S. Army Corps of Engineers on USA Tract 300

This report is furnished with the corresponding boundary exhibit and enclosures. The perimeter survey of Camp Bowie was made on the ground under my supervision from 21 November 2013 to 24 March 2016 and represents my professional opinion of its post-World-War II boundary location based on facts and is not to be inferred as being a legal opinion of title ownership.

Respectfully submitted,



David A. Rolbiecki, RPLS, State of Texas
Chief of Survey
Texas Military Department
512-782-5796



Enclosures

APPENDIX 2. CAMP BOWIE TRACTS RESEARCHED AND SURVEYED†

TRACTS IN CAMP BOWIE				
GRANTEE	VOLUME	PAGE	ACRES	SURVEY
TXNGAB Deed w/o Warranty Correction Deed (USA Tracts G-716, 720, 721, 722, 735, 736, 738, 739, 740)	380 431	496 457	5410.64	A-80, A-180, A-185, A-569, A-571, A-572, A-573, A-574, A-575, A-576, A-799, A-890
TXNGAB	1105	872	9.253	A-571
TXNGAB	1111	560	164.824	A-80
U.S.A. Tract 300	General Warranty Deed Vol. 1119, Pg. 78		2213.38	A-803, A-626
U.S.A. Tract 301	General Warranty Deed Vol. 1186, Pg. 188		513.775	A-424, A-575, A-996
U.S.A. Tract 302	General Warranty Deed Vol. 1168, Pg. 782		1130.827	A-424, A-575, A-890
United States of America- vs-120,000 acres in Brown and Mill Counties	Civil Action No. 51, District Court of the United States Northern District of Texas, San Angelo Division		120,000	Multiple surveys, Brown & Mills County
Easement, T.P. &L. Light Co. "Tract 2"	576	51	36.601	A-80, A-183, A-185, A-890
ENTEX Natural Gas Pipeline R.O.W.	U.S.A. Easement DACA63-2-94-0543		N/A	A-80, A-572, A-424, A-573, A-890
City of Brownwood 15-Ft. Utility Easement	1146	790	N/A	A-574
City of Brownwood 10-Ft. Utility Easement	1091	428	N/A	A-570, A-574
Texas Utilities Electric Co. Easement & R.O.W.	1123	12	N/A	A-574
Texas Utilities Electric Co. Easement & R.O.W.	1159	602	N/A	A-574
T.P.&L. Light Co. Overhead & Underground Easement & R.O.W.	732	447	N/A	A-570
T.P.&L. Light Co. Easement & R.O.W.	Deed from TXNGAB-no recording, along NEL Bowie, CR 267		N/A	A-80, A-185, A-890
ONCOR 15-Ft. Utility Easement	Deed from Adjutant General's Department, TXNG-no recording		N/A	A-574
James D. Harlow Esmt.	1165	93	N/A	A-803
Easement, McColloch Electric COOP	857	312	N/A	A-803
Atlantic Pipeline Co. Easement & R.O.W.	243	376	N/A	A-569, A-575

NORTH BOUNDARY LINE OF CAMP BOWIE				
GRANTEE	VOLUME	PAGE	ACRES	SURVEY
Texas Department of Transportation	F.M. 2126 Sta. 0+00 to 75+82 R.O.W. Map			A-570, A-576, A-751
Britt J. Loudermilk et ux. Karen Loudermilk	1608	398	3.87	A-799
Albert R. Kinzer et ux. Tonya R. Kinzer	1655	167	3.887	A-799
Larry Soto et ux. Jennifer Tokash Soto	9	100	0.935	A-799
Larry Soto et ux. Jennifer Tokash Soto	9	104	25	A-799
David A. Diaz, Jr.	1784	312	1.1713	A-799
Richard W. Biessener et ux. Vicky L. Biessener	1596	258	65	A-799
Tommy Dewbre	870	549	1.92	A-799
Tommy Dewbre	870	552	0.16	A-799
EAST BOUNDARY LINE OF CAMP BOWIE				
GRANTEE	VOLUME	PAGE	ACRES	SURVEY
Randell Felton Dewbre	1088	597	61.2	A-799
Valton Posey	1247 1719	626 257	177.88	A-799
Phillip R. Richey et ux. Judy L. Richey	1252	17	179	A-180
Phillip R. Richey	1347	631	N/A	A-180
T.P.&L. Light Co. Substation	676	917	5.029	A-185
Samuel B. Allen et. al.	1039	754	322.812	A-185
Carolyn Lynn Allen Singleton et al.	1356	731	148.551	A-185
Jo Burk Poer et ux. Max Poer	1677	30	148.551	A-185
Speck Ranches, L.P. "Tract K"	68	736	176.28	A-80
Speck Ranches, L.P. "Tract L"	68	736	254.74	A-80, A-890
Speck Ranches, L.P. "Tract M"	68	736	141.54	A-890
Lazy Ranch, Inc.	844	1008	883.9	A-424, A-996
Lester K. Osbourne et ux. Patricia A. Osbourne	1279	397	1198.96	A-184, A-626, A-996
Lazy Y Ranch	905	372	833.5	A-626
Robert E. Lewis, Jr. Estate	1437	730	533	A-578
Jamie Fisher	126	54	97.128	A-578

SOUTH BOUNDARY LINE OF CAMP BOWIE				
GRANTEE	VOLUME	PAGE	ACRES	SURVEY
Mark Allen Hale	Probate	PRB100004	115.8	A-5, A-578
Ben C. Candenhed	1402	780	398.07	A-5
Marilyn Chessermiller	1642	398	160	A-5
WEST BOUNDARY LINE OF CAMP BOWIE				
GRANTEE	VOLUME	PAGE	ACRES	SURVEY
Star B. Property Company, LTD.	1300	292	1321.79	A-512, A-2019
Donald Rex Hackett et ux. Mariann Morris Tackett	1461	266	359.91	A-1536
James D. Harlow	1205	601	18.9	A-512, A-1536
Alan Duane Maynard et ux. Mary Lynn Maynard	65	628	209.69	A-1974
Robert A. Beadel et ux. Ann Hargrove Beadel	810	343	409.64	A-512, A-575, A-1403, A-2137, A-2138, A-2140
Robert A. Beadel et ux. Ann Hargrove Beadel	701	622	147.466	A-1403
G.W. Brack	199	158	416.5	A-575, A-1403
Ernest Painter	Deed from TXNGAB-no recording information on document		4.442	A-575
City of Brownwood	Deed from TXNGAB-no recording information on document		164.824	A-571, A-572
City of Brownwood	1252 1280 (correction deed)	973 895 (correction deed)	483.64	A-571, A-572, A-573
Texas Department of Transportation (F.M. 45)	1110	229	25.718	A-569, A-570, A-571, A-572, A-573, A-574, A-575
Lower Colorado River Authority Substation	1213	363	2.20	A-571
Easement, McColloch Electric COOP	1374	822	N/A	A-569, A-575
Easement, T.P. &L. Light Co. "Tract 1"	576	51	12.293	A-569, A-572, A-573
†Research done by David A. Rolbiecki, RPLS, Robert Dedman, J.D., Burt Massey, Esq.				

Inverse Report

Project : Camp Bowie Boundary Survey

User name	David	Date & Time	1:25:31 PM 2/26/2018
Coordinate System	Projection from data collector	Zone	Zone from data collector
Project Datum	(WGS 84)		
Vertical Datum	NAVD 88	Geoid Model	GEOID09 (Conus)
Coordinate Units	US survey feet		
Distance Units	US survey feet		
Height Units	US survey feet		

SWL Tract 300 from NWC to SEC

Grid	Local	Cartesian (WGS-84)
From: 781		
Northing: 10553901.794sft	Latitude: 31°36'54.65193"N	X: -2771996.120sft
Easting: 2730270.156sft	Longitude: 98°56'24.29702"W	Y: -17620921.534sft
Elevation: 1520.146sft	Height: 1432.085sft	Z: 10906803.231sft
Convergence: 0°43'03.382372"		
Inverse:	Geodetic	
Grid Azimuth: 134°17'32"	NS Fwd Azimuth: 135°00'35"	Delta X: 9914.701sft
Grid Distance: 15442.915sft	NS Back Azimuth: 315°01'41"	Delta Y: -7231.447sft
Delta Elevation: -138.326sft	Ellipsoid Dist: 15443.900sft	Delta Z: -9376.139sft
t-T Correction: 0°00'00.568369"	Ground Dist: 15444.907sft	Slope Dist: 15443.675sft
Elevation Scale Factor: 0.99993477	Delta Height: -138.071sft	
Grid Scale Factor: 0.99993621		
Combined Factor: 0.99987098		
To: 682		
Northing: 10543117.739sft	Latitude: 31°35'06.54585"N	X: -2762081.419sft
Easting: 2741324.014sft	Longitude: 98°54'18.07140"W	Y: -17628152.981sft
Elevation: 1381.821sft	Height: 1294.014sft	Z: 10897427.092sft
Convergence: 0°44'08.395999"		

S-44-59'25"E (following Barnett's 1972 survey)

135°00'35"

[Back to top](#)

**FIELD NOTES FOR AN 8,944.1 ACRE BOUNDARY SURVEY OF
CAMP BOWIE MILITARY RESERVATION, BROWN COUNTY, TEXAS**

Situated in Brown County, Texas, on the waters of Pecan Bayou, a tributary of the Colorado River out of the following original surveys:

Kerr County School Land Survey No. 271 Abstract No. 575,
Kerr County School Land Survey No. 272 Abstract No. 569,
Kerr County School Land Survey No. 273 Abstract No. 571,
Kerr County School Land Survey No. 274 Abstract No. 572,
Kerr County School Land Survey No. 275 Abstract No. 573,
Kerr County School Land Survey No. 276 Abstract No. 574,
Kerr County School Land Survey No. 277 Abstract No. 570,
Pleasant McAnelly Survey No. 35, Abstract No. 626, John J. Cain Survey No. 36, Abstract No. 184, Herman D. Yates Survey No. 37, Abstract No. 996, Robert Hall Survey No. 38, Abstract No. 424, Henry Tally Survey No. 39, Abstract No. 890, Bernard E. Bee Survey No. 40, Abstract No. 80, James E. Cotton Survey No. 41, Abstract No. 183, James Cotton Survey No. 42, Abstract No. 185, Peter M. Cameron Survey No. 43, Abstract No. 180, Reuben Ross Survey No. 44, Abstract No. 799, Thomas H. Roberts Survey No. 333, Abstract No. 803,

and being the remainder the land described in a correction deed without warranty from the United States of America to the Texas National Guard Armory Board filed on 6 October 1954, recorded in Volume 431, Page 457, Deed Records, Brown County, Texas for lands acquired by condemnation in United States vs. 120,000 Acres of Land in Brown and Mills County, Texas in the District Court of the United States for the Northern District of Texas San Angelo Division, Civil Action No. 51, comprising of Tracts G-716, G-720, G-721, G-722, G-735, G-736, G-738, G-739, G-740, Judgement on Declaration of Taking No. 1, Volume 322, Page 285, Judgement on Declaration of Taking No. 4, Volume 322, Page 308, Judgement on Declaration of Taking No. 22, Volume 323, Page 461, Judgement on Declaration of Taking No. 34, Volume 323, Page 96, Judgement on Declaration of Taking No. 35, Volume 325, Page 576, Judgement on Declaration of Taking No. 36, Volume 325, Page 524, Judgement on Declaration of Taking No. 37, Volume 326, Page 164, Deed Records, Brown County, Texas,

and being all of that 54.4 acres (call) described in a Save and Except clause as part of the Texas National Guard Land in a deed to Chris Labay et ux. Debi Labay in care of Kenneth L. Musgrave for 1185.90 acres (call), filed on 28 April 1989, recorded in Volume 1024, Page 73, Deed Records, Brown County, Texas,

File
~~POLLER~~ SKETCH NO. 32
COUNTY BROWN

K. Schreiber

and being all of that tract of land described in a deed from the City of Brownwood to the Texas National Guard Armory Board for 164.824 acres (call), filed on 14 July 1992, recorded in Volume 1111, Page 560, Deed Records, Brown County, Texas,

and containing three tracts of land into the United States of America, (1) Tract 300, described in a deed from Kenneth L. Musgrave et ux. Etta D. Musgrave for 2213.38 acres (call), filed on 15 October 1992, recorded in Volume 1119, Page 78, (2) Tract 301, described in a deed from Henry Volger et ux. Rosalie Volger for 513.775 acres (call), filed on 6 January 1995, recorded in Volume 1186, Page 188, and (3) Tract 302, described in a deed from Chris Labay et ux. Debi Labay for 1130.827 acres (call), filed on 20 June 1994, recorded in Volume 1168, Page 782, Deed Records, Brown County, Texas,

and being more particularly described by metes and bounds as **TRACT ONE—STATE LAND** and **TRACT TWO—FEDERAL LAND**:

Bearing system of this survey is U.S. State Plane 1983 (at ground), Texas Central Zone 4203 (U.S. Survey Foot), North American Datum of 1983(CONUS), established by post-processed baselines from CORS Station TXHM (NAD 83(2011) epoch 2010.00) to GNSS Station 502 as the starting point //10,569,000.668'N // 2,725,882.627'E//) and to GNSS Station 510 for the establishment of a permanent control network. A ground scale factor of 1.000119012 for this survey was applied to Station 502 using WGS-84 ellipsoid coordinates //31°39'24.60975"N // 098°57'12.86894"W// and an ellipsoid height of 1382.549 feet making this a local coordinate system. Vertical Datum: NAVD 88. GNSS-derived orthometric elevations determined by post-processed baselines from the TXHM antenna phase center to GNSS Stations 502 and 510 using GEOID09 (CONUS) yielding an elevation of 1466.88 feet for Station 502, and field verified by direct GNSS observation to NGS 1st-Order bench mark W1456.

TRACT ONE—STATE LAND, 5,085.2 ACRES

BEGINNING at a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner //10,570,213.59'N // 2,724,713.24'E // at the intersection of the east line of F.M. Highway 45 (variable width Right-of-Way) and the southeast line of F.M. Highway 2126 (120 foot wide Right-of-Way);

THENCE with the southeast Right-of-Way line of said F.M. Highway 2126:

North 59°14'05" East a distance of 1539.16 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner (PC station 22+94.8-60'RT) at the beginning of a tangent curve to the left whose chord bears North 51°15'35" East a distance of 546.67 feet;

In a northeasterly direction with said tangent curve to the left having a radius of 1970.12 feet, a central angle of 15°57'00", and an arc distance of 548.44 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner (PT station 28+26.5-60'RT);

North 43°17'05" East a distance of 1373.47 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner (PI station 42+00-60'RT);

North 43°21'05" East a distance of 408.06 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner in the northeast line of said Tract G-740 (Volume 322, Page 285, Deed Records, Brown County, Texas);

THENCE departing the southeast Right-of-Way line of said F.M. Highway 2126 and with the northeast line of said Tract G-740 as occupied by barb wire fence:

South 49°45'32" East passing at 3.35 feet an iron rod with cap marked "POLASKI-2276" marking the west corner of a tract of land described in a deed to Albert R. Kinzer et ux. Tonya R. Kinzer for 3.887 acres (call), filed on 13 April 2007, recorded in Volume 1655, Page 167, Deed Records, Brown County, Texas, and continuing for a total distance of 413.50 feet [North 45° West 150.3 varas reciprocal call] to a 1/2 inch iron rod found for corner;

North 42°04'51" East a distance of 128.98 feet [South 45° West 46.9 varas reciprocal call] to a 2.5 inch steel fence corner post found for corner, from which a 1/2 iron rod found at the occupied west corner of a tract of land described in a deed as "Tract Three" 17 acres (call) to Richard W. Biessener et ux. Vicky L. Biessener, filed on 16 November 2005, recorded in Volume 1596, Page 258, Deed Records, Brown County, Texas bears North 41°58'07" West a distance of 9.23 feet;

South 47°29'43" East a distance of 1268.94 feet [North 45° West 459 varas reciprocal call] to a 1/2 iron rod found for corner, same being the south corner of said Biessener's 17 acres;

South 43°04'35" West a distance of 98.61 feet [North 44° East 35.5 varas reciprocal call] to a cotton spindle set for corner at the base of a steel fence brace and being the most westerly corner of a tract of land described in a quit claim deed as "First Tract" for 75 acres (call) from Nelda Posey to Valton Posey, filed on 3 September 2008, recorded in Volume 1719, Page 257, Deed Records, Brown County, Texas;

South 37°40'16" East a distance of 969.44 feet [North 37° West 349 varas reciprocal call] to a 1/2 iron rod found for corner at the northeast base of a wooden fence corner post, same being the

most northerly corner of said Posey's "Second Tract" for 102.88 acres (call);

Thence continuing with the southeast line of said Tract G-740 as occupied by barb wire fence:

South 24°23'31" West a distance of 472.22 feet [North 25°15' east 170 varas reciprocal call] to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 46°55'25" East a distance of 106.94 feet [North 46° West 38.5 varas reciprocal call] to a hole chiseled for corner in the top of a large boulder flush with the ground, from which a 2.5 inch steel fence corner post bears North 15°48'16" east a distance of 4.1 feet;

South 43°04'31" West passing an angry bobcat found snared to Posey's fence at 502 feet and continuing for a total distance of 1493.33 feet [North 44° East 537.6 varas reciprocal call] to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner, from which a 2.5 inch steel fence corner post bears North 43°04'31" East a distance of 1.1 feet;

South 46°55'29" East [North 45° West reciprocal bearing call] with the northeast line of said Tract G-739 (Volume 326, Page 164, Deed Records, Brown County, Texas) a distance of 821.07 feet to a point for corner at the northeast base of a 2.5 inch steel fence corner post marking the south corner of said Posey's "Second Tract", in the northwest line of said Tract G-735 "Second Parcel" (Volume 322, Page 308, Deed Records, Brown County, Texas), from which a 1/2 iron rod with yellow cap stamped "WITNESS" set for reference bears South 43°04'31" West a distance of 1.1 feet;

THENCE: North 43°04'31" East [North 45° East bearing call] with the northwest line of said Tract G-735 "Second Parcel" as occupied by barb wire fence a distance of 2782.12 feet to a 1/2 inch iron rod found for corner at the northwest base of a wooden fence corner post marking the north corner of said Tract G-735 "Second Parcel" (Volume 322, Page 308, Deed Records, Brown County, Texas), same being the west corner of said Tract G-735 "First Parcel" (1.9 acres call);

THENCE North 43°00'12" East with the northwest line of said Tract G-735 "First Parcel" as occupied by barb wire fence a distance of 2100.00 feet [South 45° west 756 varas reciprocal call] to a point for corner, from which a 2.5 inch steel fence corner post bears North 43°00'12" East a distance of 45.0 feet;

THENCE South 46°55'13" East a distance of 40.00 feet [North 45° West 14.4 varas reciprocal call] to a point for corner at the east corner of said Tract G-735 "First Parcel", in the northwest line of a tract of land described in a deed to Phillip R. Richey et ux. Judy L. Richey

for 179 acres (call) Save & Except USA Tract G-735 "First Parcel" 1-9/10 acres (call), filed on 13 February 1997, recorded in Volume 1252, Page 17, Deed Records, Brown County, Texas, witnessed by a 42 inch live oak bearing South 32° West a distance of 43.7 feet;

THENCE South 43°00'12" West with the southeast line of said Tract G-735 "First Parcel" a distance of 2100.00 feet [North 45° East 756 varas reciprocal call] to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner in a barb wire fence on the northeast line of said Tract G-735 "Second Parcel";

THENCE South 46°55'13" East with the northeast line of said Tract G-735 "Second Parcel" [South 45° West bearing call] as occupied by barb wire fence a distance of 3692.15 feet to a 2.5 inch steel fence corner post marking the south corner of said Philip R. Richey, from which a 1/2 iron rod with yellow cap stamped "WITNESS" set for reference bears South 42°40'32" West a distance of 1.0 feet, said point being in the northwest line of said Tract G-722 "Second Parcel" (Volume 325, Page 524, Deed Records, Brown County, Texas);

THENCE North 42°40'32" East with the northwest line of said Tract G-722 "Second Parcel" [South 45° West reciprocal bearing call] as occupied by barb wire fence a distance of 2642.32 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner in the south line of County Road 267 as occupied by barb wire fence, from which a 2.5 inch steel fence corner post bears South 42°40'32" West a distance of 1.0 feet;

THENCE along the south line of said County Road 267 as occupied by barb wire fence:

North 69°38'19" East a distance of 419.12 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 86°55'22" East a distance of 643.02 feet to a point for corner in said barb wire fence;

South 80°53'23" East a distance of 215.08 feet to a point for corner in said barb wire fence;

South 74°25'38" East a distance of 290.85 feet to a 3/8 inch spike nail found for corner, said point also being the northwest corner of a tract of land described as "Tract 4" in a partition deed to Samuel B. Allen et al. for 6.381 acres (call), filed on 24 October 1989, recorded in Volume 1039, Page 754, Deed Records, Brown County, Texas;

THENCE departing the south line of said County Road 267 and with a barb wire fence describing the west and south line of said Allen et al. 6.381 acres:

South 16°40'19" East a distance of 237.68 feet to a point for corner in said barb wire fence;

South 28°56'36" West a distance of 239.17 feet to a point for corner in said barb wire fence;

South 04°38'12" East a distance of 65.06 feet to a point for corner in said barb wire fence;

South 45°55'06" East a distance of 68.61 feet to a point for corner in said barb wire fence;

South 89°55'46" East a distance of 996.82 feet to a 2.5 inch steel fence corner post found for corner in the southwest line of said County Road 267;

THENCE along the southwest line of said County Road 267 as occupied by barb wire fence:

South 59°27'20" East a distance of 844.99 feet to a point for corner in said barb wire fence;

South 52°21'51" East a distance of 380.85 feet to a point for corner in said barb wire fence;

South 46°03'42" East a distance of 350.32 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 33°23'53" East a distance of 192.41 feet to a 2.5 inch steel fence post found in said barb wire fence for corner;

South 13°29'23" East a distance of 809.77 feet to a 2.5 inch steel fence post found in said barb wire fence for corner;

South 32°07'14" East a distance of 1091.91 feet to a point for corner in said barb wire fence;

South 32°12'12" East a distance of 704.07 feet to a point for corner in said barb wire fence;

South 38°10'22" East a distance of 248.16 feet to a point for corner in said barb wire fence;

South 47°41'54" East a distance of 1647.93 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 59°28'50" East, a distance of 499.60 feet to a 2.5 inch steel fence post found for corner in said barb wire fence and being the north corner of said Tract 302;

THENCE with the northwest and west line of said Tract 302:

South 43°28'31" West with the southeast line of said Tract G-716 a distance of 10164.70 feet to a 3/8 inch iron rod found for corner;

South 46°30'24" East a distance of 1877.95 feet to a 3/8 inch iron rod found for corner;

South 43°28'57" West a distance of 1644.20 feet to a rail road spike found for corner;

South 1°34'52" East a distance of 936.25 feet to a point for corner in the south line of said Kerr County School Lands Survey No. 271 common with the north line of the Thomas H. Roberts Survey No. 333 as fixed by Decree of District Court of Record, Volume C, Page 273, District Court Minutes of Brown County, Texas, from which a 3/8 inch iron rod found at the most southerly southwest corner of said United States of America Tract 302 bears North 1°34'52" West a distance of 6.85 feet, and a 1/2 inch iron rod with yellow plastic cap marked "KING" found (referred to as "Barnett's Spike") at the common corner of said United States of America Tracts 300, 301 and 302 bears South 88°28'51" East a distance of 5693.43 feet (witnessed by buried whiskey bottle and a 12 inch mesquite marked "X" bearing North 2° West 68.8 feet);

THENCE North 88°28'51" West with said fixed survey line passing at 562.44 feet a 1/2 inch iron rod found 7.74 feet at a right angle to the right, and continuing for a total distance of 4883.88 feet to a 1/2 inch iron rod with yellow plastic cap marked "KING" found for corner at the southeast base of a 2.5 inch steel fence corner post marking the southeast corner of a tract of land described in a deed to Robert A. Beadel et ux. Ann Hargrove Beadel as "Third Tract" for 179 acres (call), filed on 29 April 1982, recorded in Volume 810, Page 343, Deed Records, Brown County, Texas (witnessed by a 10 inch live oak marked "X" bearing North 38°46' West 67.4 feet), from which a three by five inch limestone block scribed "TR" set at the southwest base of a broken-off ancient cedar fence post that was recognized by R.L. Barnett, Licensed State Land Surveyor as the west corner of the T.H. Roberts Survey No. 333 bears North 88°28'51" West a distance of 403.85 feet, and a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the west base of a wooden fence corner post bears North 88°28'51" West a distance of 302.62 feet;

THENCE with the east, north and west line of said Beadel's "Third Tract" as occupied by barb wire fence:

North 01°38'24" West a distance of 2867.78 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner one foot north of a four inch square metal fence corner post;

South 89°03'33" West a distance of 2564.12 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner one foot north of 2.5 inch steel fence corner post;

South 01°44'31" West a distance of 1648.08 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner 0.9 feet west of the base of a 2.5 inch steel fence corner post in a fence occupying the north line of a tract of land described in a deed to Robert A. Beadel et ux. Ann Hargrove Beadel for 147.466 acres (call), recorded in Volume 701, Page 622, Deed Records, Brown County, Texas, from which an old wooden fence corner post found bears South 01°44'31" West a distance of 1102.4 feet;

THENCE South 88°38'56" West with the north line of said Beadel's 147.466 acres a distance of 3563.43 feet to a TXDOT Type-II monument found for corner in the west line of said F.M. Highway 45;

THENCE in a northerly direction with the west Right-of-Way line of said F.M. Highway 45:

North 27°32'42" West a distance of 529.38 feet to a 1/2 inch iron rod found for corner;

North 26°32'13" West a distance of 69.05 feet to a TXDOT Type-II monument found for corner;

North 23°05'14" West a distance of 191.30 feet to a TXDOT Type-II monument found for corner;

North 17°06'51" West a distance of 191.75 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

North 11°06'37" West a distance of 191.23 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

North 05°09'46" West a distance of 190.68 feet to a flush metal marker found for corner;

North 00°29'41" East a distance of 178.89 feet to a TXDOT Type-II monument found for corner;

North 02°05'10" East a distance of 1411.80 feet to a TXDOT Type-II monument found for corner;

North 02°03'59" East a distance of 907.77 feet to a TXDOT Type-II monument found for corner;

North 02°04'55" East a distance of 1510.09 feet to a TXDOT Type-II monument found for corner;

North 02°48'18" East a distance of 431.35 feet to a TXDOT Type-II monument found for corner;

North 03°30'41" East a distance of 1248.63 feet to a TXDOT Type-II monument found for corner;

North 03°31'13" East a distance of 1206.15 feet to a TXDOT Type-II monument found for corner;

North 03°31'15" East a distance of 1393.86 feet to a TXDOT Type-II monument found for corner;

North 13°25'34" East a distance of 203.07 feet to a TXDOT Type-II monument found for corner;

North 03°30'52" East a distance of 99.92 feet to a TXDOT Type-II monument found for corner;

North 06°23'54" West a distance of 202.96 feet to a TXDOT Type-II monument found for corner;

North 03°31'54" East a distance of 1000.08 feet to a TXDOT Type-II monument found for corner;

North 03°31'37" East a distance of 406.04 feet to a TXDOT Type-II monument found for corner;

North 02°18'15" East a distance of 193.32 feet to a TXDOT Type-II monument found for corner;

North 02°15'22" East a distance of 1974.30 feet to a TXDOT Type-II monument found for corner;

North 84°43'36" West a distance of 9.52 feet to a TXDOT Type-II monument found for corner;

North 04°12'34" East a distance of 1459.02 feet to the center base of a broken TXDOT Type-I monument found for corner;

North 20°56'12" East a distance of 170.10 feet to the **POINT OF BEGINNING** and containing 5085.2 acres of land.

TRACT TWO—FEDERAL LAND, 3,858.9 ACRES

BEGINNING at a 3/8 inch iron rod found for corner (10,543,117.74'N // 2,741,324.01'E) at the south corner of the T.H. Roberts Survey No. 333 as recognized by R.L. Barnett, Licensed State Land Surveyor, in the approximate centerline of County Road 264, said point being the south corner of said United States of America Tract 300, from which a 2-1/2 inch steel fence corner post found at the east corner of a tract of

land described in a deed to Star B Property Company, LTD. for 1321.79 acres (call), filed on 17 August 1998, recorded in Volume 1300, Page 292, Deed Records, Brown County, Texas bears North 48° 58' West a distance of 28.6 feet;

THENCE North 45°42'29" West [Tract 300 deed call: North 44°55'22" West] with the southwest line of said T.H. Roberts Survey No. 333, common with the southwest line of said Tract 300 that was fixed by Decree of District Court of Record in Volume 159, Page 187 (Cause No. 96-09-592) of the 35th District Judicial Court Minutes of Brown County, Texas, with the following passing calls:

-12 inch steel fence post at 10518.83 feet bears South 44°17'31" West 42.0 feet;

-5/8 inch iron rod for the northeast corner of said Star B Properties, LTD at 10722.79 feet bears South 44°17'31" West 40.75 feet;

-2-1/2 inch steel fence corner post at 12262.72 feet bears South 44°17'31" West 6.6 feet for the east corner of a tract of land described in a deed to Alan Duane Maynard et ux. Mary Lynn Maynard for 209.69 acres (call), filed on 25 October 2012, recorded in Volume 65, Page 628, Deed Records, Brown County, Texas [Tract 300 deed call: at 12262.78 feet an iron pin at a fence post bears South 45°04'38" West 6.1 feet];

- 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set on line at 12586 feet for reference where said Alan Duane Maynard et ux. crosses into Tract 300;

-1/2 inch iron rod at 14035.41 feet bears North 44°17'31" East 29.66 feet for the east corner of a tract of land described in a deed to Robert A. Beadel as "Second Tract" for 14.4 acres (call), filed on 29 April 1982, recorded in Volume 810, Page 343, Deed Records, Brown County, Texas [Tract 300 deed call: at 14035.4 feet an iron pin at a "T" fence corner post bears North 45°04'38" East 29.4 feet];

and continuing for a total distance of 15442.94 feet [Tract 300 deed call: 15442.56 feet] to a three by five inch limestone block scribed "TR" set at the southwest base of a broken-off ancient cedar fence post that was recognized by R.L. Barnett, Licensed State Land Surveyor as the west corner of said T.H. Roberts Survey No. 333, said point being in the south line of said Kerr County School Lands Survey No. 271 common with the north line of said Thomas H. Roberts Survey No. 333 as fixed by Decree of District Court of Record, Volume C, Page 273, District Court Minutes of Brown County, Texas, from which a stone cap found on the south wall of a bridge crossing the center of Indian Creek on County Road 233 bears North 88°28'51" West a distance of 16108 feet;

THENCE South 88°28'51" East with said common line of Survey No. 271 and Survey No. 333, passing a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the west base of a wooden fence corner post at 101.23 feet, passing another 1/2 inch iron rod with yellow plastic cap marked "KING" found at the southeast base of a 2.5 inch steel fence corner post marking the southeast corner of said Beadel's "Third Tract" of 179 acres (call) at 403.85 feet, and continuing for a total distance of 5287.74 feet to a point for corner from which a 3/8 inch iron rod found at the most southerly southwest corner of said United States of America Tract 302 bears North 1°34'52" West a distance of 6.85 feet, and a 1/2 inch iron rod with yellow plastic cap marked "KING" found (referred to as "Barnett's Spike") at the common corner of said United States of America Tracts 300, 301 and 302 bears South 88°28'51" East a distance of 5693.43 feet (witnessed by buried whiskey bottle and a 12 inch mesquite marked "X" bearing North 2° West 68.8 feet);

THENCE with the west and northwest line of said Tract 302:

North 1°34'52" West a distance of 936.25 feet to a railroad spike found for corner;

North 43°28'57" East a distance of 1644.20 feet to a 3/8 inch iron rod found for corner;

North 46°30'24" West a distance of 1877.95 feet to a 3/8 inch iron rod found for corner;

North 43°28'31" East a distance of 10164.70 feet to a 2.5 inch steel fence post found for corner in a barb wire fence occupying the west line of County Road 267, and being the north corner of said Tract 302;

THENCE with the east line of said Tract 302 and along the west line of said County Road 267 as occupied by barb wire fence:

South 43°42'21" East a distance of 109.27 feet to a 2.5 inch steel fence post found in said barb wire fence for corner;

South 31°27'26" East a distance of 1779.28 feet to a 3/8 inch iron rod found for corner;

South 17°18'18" East a distance of 1791.31 feet to a 5/8 inch iron rod found for corner, said point being the northeast corner of said Tract 301;

THENCE with the east line of said Tract 301 and continuing along the southwest line of said County Road 267 as occupied by barb wire fence:

South 47°32'30" East a distance of 16.14 feet to a 3/8 inch iron rod found for corner;

South 18°02'36" East a distance of 1156.07 feet to a 3/8 inch iron rod found for corner;

South 17°42'28" East a distance of 1690.13 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 18°06'48" East a distance of 478.36 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 13°31'22" East a distance of 818.75 feet to a 3/8 inch iron rod found for corner;

South 15°08'49" East a distance of 369.29 feet to a 3/8 inch iron rod found for corner;

South 21°47'26" East a distance of 155.69 feet to a 3/8 inch iron rod found for corner;

South 27°03'59" East a distance of 465.09 feet to a 3/8 inch iron rod found for corner;

South 26°56'41" East a distance of 472.86 feet to a 3/8 inch iron rod found for corner;

South 21°42'32" East a distance of 314.92 feet to a 3/8 inch iron rod found for corner;

South 07°58'47" East a distance of 229.33 feet to a 3/8 inch iron rod found for corner;

South 02°34'58" West a distance of 171.52 feet to a 3/8 inch iron rod found for corner;

South 00°44'23" East a distance of 117.58 feet to a 3/8 inch iron rod found for corner;

South 12°42'19" West a distance of 915.34 feet to a 3/8 inch iron rod found for corner;

South 12°49'36" West a distance of 223.00 feet to a 3/8 inch iron rod found for corner;

South 09°56'35" West a distance of 375.68 feet to a 5/8 inch iron rod found for corner at the base of a 3.5 inch steel fence corner post for the southeast corner of said Tract 301, from which said found "Barnett's Spike" bears South 89°23'26" West a distance of 4245.99 feet;

THENCE North 89°46'36" East departing the west line of said County Road 267 a distance of 32.53 feet to a 3/8 inch iron rod found for corner in asphalt pavement, said point being the northeast corner of

said Tract 300 in the approximate centerline of said County Road 267 as surveyed by R.L. Barnett, Licensed State Land Surveyor;

THENCE with the east line of said Tract 300 and along the approximate centerline of said County Road 267:

South 06°27'52" East a distance of 945.03 feet to a cotton spindle set for corner in asphalt pavement;

South 15°21'26" East a distance of 999.17 feet to a cotton spindle set for corner in asphalt pavement;

South 12°17'26" East a distance of 1172.50 feet to a cotton spindle set for corner in asphalt pavement;

South 16°50'26" East a distance of 341.11 feet to a cotton spindle set for corner in asphalt pavement;

South 27°30'26" East, a distance of 317.78 feet to a 5/8 inch iron rod with aluminum cap stamped "AGDTX-BOUNDARY" set for corner;

South 40°13'26" East a distance of 1123.77 feet to a 3/8 inch iron rod found for corner in asphalt pavement, for the most easterly corner of said Tract 300;

THENCE South 43°43'26" West with the southeast line of said Tract 300, passing on line at 24.1 feet and 0.7 feet at a right angle to the left a 1/2 inch iron rod with yellow plastic cap marked "KING" found at the northeast base of a wooden fence corner post, and continuing for a total distance of 8335.07 feet to the **POINT OF BEGINNING** and containing 3858.9 acres of land.

I, David A. Rolbiecki, Licensed State Land Surveyor in the State of Texas, do hereby certify that the foregoing survey was made by me on the ground, according to law, from 21 November 2013 to 24 March 2016, and that the limits, corners, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth in the forgoing plat and field notes, just as I found them on the ground.

Texas Military Department
Texas Board of Professional Land Surveying
Firm Registration No. 10169200

