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Date File Created: 2-10-11

By: Susan Sugarek

Control No. _____

Scrap File

File Number 16589

Irion County

Abstract No. 1330

Sarah E. Chapoton

12.77 ~~13.56~~ Acres

N. part Survey/Section No. _____

Endorsements

see 1st card
see SF-16600

	Contents	Date of Instrument	Filer
No.21	Ltr. to E. Simpson	2-10-11	SKJ
No.22	Postage expense	"	"
No.23	Request to Purch.-Chapoton	2-19-11	SKJ
No.24	Appr. Fee	"	SKJ
No.25	Requ. to Purch.-Simpson	2-17-11	"
No.26	Appraisal	3-15-11	"
No.27	SLB Memo	5-3-11	"
No.28	SLB Appr. Ltr. (Chapoton)	"	"
No.29	" " " (Simpson)	"	"
No.30	Copy of Payment info. (Chapoton)	6-2-11	"
No.31	Land Award ltr. (Chapoton)	7-25-11	"
No.32	Land Award + Receipt w/Ex. A	7-19-11	"
No.33	Ltr. to Co. Clerk	8-9-11	"
No.34	" " Co. Assessor-Collector	8-9-11	"
No.35	Refund of Cost Deposit ltr.	9-16-11	"
No.36	Vacancy Hearing Video	10-5-2011	SSG
No.37	Archive File Rating Check List	9/10/2011	SSG
No.—			
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Land Grant Database Updated 9-10-2013 SSG

Revised: 7/06

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GLO-R-056 (3-91)

11-1-2011 upb

Scrap File
540 E 6 miles

File number SF-16589

IRION County

1330 Abstract No.

Sarah E. Chapoton

12.77 ~~13.56~~ Acres

Survey/Section No.

Survey/Section No.

Block Tsp. Cert.

Act of 2005, TNRC, Ch. 51, as Amended

Endorsements

see SF-16589
ALL MINERAL & LEASING
RIGHTS RESERVED FOR
STATE OF TEXAS
Mkd. on Map Mkd. on Register

ALL GROUNDWATER & LEASING
RIGHTS RESERVED FOR
STATE OF TEXAS

VACANCY APPROVED
Jerry E. Patterson, Commissioner
Date 10/8/10

PAID IN FULL FOR 12.77 ACRES
DATE 6-2-2011

see back side

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No. 4 Survey Report recd. 11-7-08
No. 5 Partition Deed (17762) " "
No. 6 Partition Deed (12761) " "
No. 7 Copy of Distrib. Slip " "
No. 8 Admin. Complete Ltr. dtd. 12-22-08
No. 9 Postage expense for 12-22-08 ltrs.
No. 10 Cost deposit recd. 1-20-2009
No. 11 Certif. of Serv. (ltrs. actually mld. 2-18-09)
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Scrap File Number 16589

Endorsements

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No. 64 Ltr. fm Wilson Surv. dtd. 12-16-10
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No. 66 Partition Deed - (12761)
No. 67 ~~Fld. Notes 0.99 acre~~ Transferred to SF 166000 BO 9/14/11
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No. 70 Ltr. to S. Chapoton dtd. 2-10-11

WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/653-3916 * FAX 325/655-1895
P.O. BOX 3326-ZIP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

WM. C. WILSON, JR.
R.P.L.S., L.S.L.S.

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S., B.S.S

November 3, 2008

General Land Office
1700 North Congress
Austin, Texas 78701

Attention: Mr. Bill O'Hara, Director of Surveying.

RE: Vacancy application for Sarah E. Chapoton in Irion County, Texas.

Dear Bill,
Please find the enclosed Application, Field Notes and Report to accompany Irion County Rolled Sketch No. 25 for a possible 13.56 acre strip of unsurveyed Public School Land in Irion County, Texas. Also enclosed are certified copies of two Partition Deeds and a check in the amount of $225.00. This should include the required $150 application fee, $25 field note recording fee and $50 fee to record said deeds. Said Rolled Sketch No. 25 and a working sketch of GLO data in the subject area is being mailed in a separate tube. The questionnaire will be mailed to you by Ms. Chapoton in the near future. Ms. Chapoton is only interested in purchasing the surface estate of southern part of the 13.56 acres that she has under fence.

This is the area we have talked about in the past few months and conforms to the survey construction we discussed. If you have any questions or need additional information or fees let me know.

Thank you for your assistance in this matter.

Thomas J. Houston
Licensed State Land Surveyor

(1)

File No. SF-16589

IRION County

Cover ltr. for Applic. from T. Houston

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

025713

APPLICATION TO PURCHASE OR LEASE VACANT LAND

[PLEASE DO NOT WRITE OR TYPE IN THE BOX BELOW]

S.F. No. 16589	Application Commencement Date: Feb. 20, 2009
M.A. No.	By:
Date Received: 11-7-2008	Termination Date: , 20
Applicant(s): Sarah E. Chapoton	( ) Application Denied With Prejudice.
County(ies): IRION	( ) Application Denied Without Prejudice.
	By:
	( ) Application Rejected for Other Reason.
	By:

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

1. I, Sarah E. Chapoton **[print name]**, hereby apply to (X) purchase the surface estate, ( ) purchase the surface and the mineral estates, or ( ) lease the mineral estate in the following described area, which I believe to be unsurveyed public school land, under the provisions of TEX. NAT. RES. CODE § 51.171 *et seq.*

2. The said tract of land is situated in IRION County,* Texas, about 6 miles S40°E from MERTZON, the county seat, and is bounded as follows, to-wit:**

   SEE FIELD NOTES

   I ( ) do ( ) do not **[check one]** claim status as a Good-Faith Claimant.

3. I (X) have submitted a survey report with this application, and the survey was prepared by THOMAS J. HOUSTON.

   OR

   I ( ) have not submitted a survey report with this application request and I hereby request the General Land Office to obtain a survey of the tract at my expense.

4. I ( ) will (X) will not **[check one]** submit an abstract of title.

* If the alleged vacancy is located in more than one county, you will need a separate original application for each county. Please contact GLO's Vacancy Administrator for assistance at (512) 463-5009.

** You may attach a separate sheet describing the tract or refer to the description in the survey, if one is included.

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List Of Necessary Parties

In the table provided below, **please print legibly or type** a list of the full names and addresses of **all** persons who have a present legal interest in the surface or mineral estate of the land claimed to be vacant, as ascertained from the records of the General Land Office, and the applicable county records including tax records of the county or counties where the alleged vacancy is located. You may attach a separate sheet if you wish or additional sheets if necessary. This is the list of interested parties for your vacancy application. Please refer to the instructions for more information about identifying necessary parties. **Your application cannot be processed without a complete list of the names and addresses of all necessary parties.**

Name of Necessary Party(ies)	Address & Other Contact Information (Please include phone number or email address, if available.)	How Necessary Parties Are Identified (Please state source of names, such as deed, county tax appraisal rolls, personal knowledge, etc., if available.)
SARAH EASTHAM CHAPMAN	18 WEST KIRKE ST. CHEVY CHASE, MD 20815	DEED
RUTH E. FLOURNOY	6014 DEERWOOD HOUSTON, TX 77057	"
MARY E. KING	5401 LYNBROOK DR HOUSTON, TX 77056	"
ELIZABETH E. SIMPSON	P.O BOX 639 COMSTOCK, TX 78837	"
C. STACEY EASTHAM, JR.	1530 MATHEWS ST. FORT COLLINS, CO 80524	"

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Name of Necessary Party(ies)	Address & Other Contact Information (Please include phone number or email address, if available.)	How Necessary Parties Are Identified (Please state source of names, such as deed, county tax appraisal rolls, personal knowledge, etc., if available.)

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SWORN AFFIDAVIT OF DILIGENT SEARCH FOR NECESSARY PARTIES

I hereby certify that I, or person(s) under my direction and control, in order to identify all necessary parties to this vacancy application in accordance with the requirements of TEX. NAT. RES. CODE § 51.176(a)(3) and (4), have performed a diligent search of the records of the General Land Office as well as the records of the county or counties containing land alleged to be vacant in this vacancy application, including tax records and deed records of such county or counties.

I further certify that the list of necessary parties submitted with this vacancy application was compiled based upon the results of such diligent search, and that, to the best of my knowledge based on such diligent search, such list of necessary parties contains the names and addresses of all persons and legal entities appearing in such county and land office records who are necessary parties to the above-referenced vacancy application.

Applicant: Sarah E Chapolon (Signature)

Address: 18 West Kirke Street

Chevy Chase, MD 20815

ACKNOWLEDGMENT

Sworn to and subscribed before me, by Sarah E Chapolon, this the 10 day of September, 2008.

My Commission expires: _____

DAN OLA GILMER, JR.
Notary Public, Montgomery County, MD
My Commission Expires June 16, 2009

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IMPORTANT NOTICE!

Texas Natural Resources Code 51.176(c) requires the County Clerk to record one original in a book kept for the purpose of recording vacancy applications separate from the real property records.

Within five (5) days of the filing with the County Clerk, one original application must be filed in the appropriate records of the County Surveyor, if there is a County Surveyor.

Within **thirty (30) days** of the date stamped on the application, you must submit or deliver **two (2) file stamped originals and a filing fee of $150.00** to the attention of the Legal Services Division, Texas General Land Office, 1700 N. Congress Ave., P. O. Box 12873, Austin, TX 78711. One original will be returned to the Applicant for their records. **If you are seeking good-faith claimant status, see additional requirements in the good-faith claimant affidavit included in the application package.**

COUNTY CLERK CERTIFICATION OF FILING FOR RECORD

I, Cori Manning County Clerk of Irion, County, Texas, hereby certify that the above and foregoing application was filed for record on the 31 day of October, 2008, at 11:30 o'clock A.M. and recorded in Vol. 176, Page 672 in the County Clerk's Office, Irion County, Texas.

(SEAL)

County Clerk

COUNTY COURT * IRION COUNTY, TEXAS *

VOL 176 PAGE 676

(2)

File No. SF-16589

Irion County

Application

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

THE STATE OF TEXAS §
§ SURVEY NO. _____
COUNTY OF IRION §

See Irion County Rolled Sketch No. 25

FIELD NOTES of a survey of 13.56 acres of land made for Sarah E. Chapoton, by virtue of her application to purchase or lease vacant land filed with the Commissioner of the General Land Office, Austin, Texas on the 31st day of October, 2008, under the laws regulating the sale and lease of unsurveyed school land. Said land is situated in Irion County about 6 miles S.40°E. from Mertzon, the County Seat, and is described by metes and bounds as follows, to wit:

Beginning at a 5' tall galvanized iron pipe found and long recognized as the SE corner of Gonzales County School Land, Abstract 97 and the NE corner of O.B. Robertson Survey 1, Abstract 1261 from which a 38" live oak bears N.18°18'E. 10.7 varas, a 40" live oak bears N.46°38'W. 16.5 varas and a corner post bears S.42°11'E. 0.9 varas. Said galvanized iron pipe having coordinates on the Texas Coordinate System of 1927 - Central Zone of Y=196,635.62 varas and X=672,954.23 varas.

Thence with the east line of said Gonzales County School Land and along or near a fence, N.0°38'55"E. 4380.35 varas to a 3/8" spike found in a stone mound in fence for a southwest corner of G.C. & S.F. R.R. Co. Survey 27, Abstract 126 and the NW corner of this survey from which a car axle marked "JJG XX" found on the east side of a corner post for the NE corner of said Gonzales County School Land bears N.0°38'55"E. 591.49 varas.

Thence with the south line of said Survey 27, N.89°28'34"E. 22.22 varas to a point for the most westerly NW corner of G.C. & S.F. R.R. Co. Survey 30, Abstract 1130 and the NE corner of this survey from which a car axle marked "SE 27 JJG" found in a stone mound for the Original SE corner of said Survey 27 and ell corner of said Survey 30 bears N.89°28'34"E. 48.00 varas.

Thence with the west line of said Survey 30, S.0°47'32"W. 1087.71 varas to a car axle found for the original SW corner of said Survey 30 and the original NW corner of G.C. & S.F. R.R. Co. Survey 1, Abstract 114.

Thence with the west line of said G.C.& S.F. R.R. Co. Survey 1, S.0°47'32"W. 3872.00 varas to a point in the north line of G.C.& S.F. R.R. Co. Survey 2, Abstract 1071 for the SW corner of said G.C. & S.F. R.R. Co. Survey 1 and the SE corner of said O.B. Robertson Survey 1 from which a car axle found in a stone mound for the NE corner of said Survey 2 bears S.89°13'16"E. 783.52 varas.

Thence with the east line of said Robertson Survey 1, N.0°19'13"W. 578.96 varas to the place of beginning and containing 13.56 acres of land.

CONTROL: N.G.S. Triangulation Station Akinson
Data for Station Akinson
Y=229,649.73 varas, X=712,253.12 varas,
Theta Angle = -0°02'08", Scale factor = 0.9999084,
Elevation factor = 0.9999099 (all at Akinson).
All courses, distances and coordinates recited herein are those of the Texas Coordinate System of 1927 - Central Zone.

FIELD SURVEY PERSONNEL: Gerald R. Price and Brad S. McCoy

Surveyed by on the ground June 1992 thru July 23, 2008.

I, Thomas J. Houston, Licensed State Land Surveyor of Tom Green County, Texas do hereby certify that the foregoing survey was made on the ground according to law, and on the date and with the field survey personnel aforesaid 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 foregoing field notes and accompanying plat of survey and report of survey, just as I found or set them on the ground.

Thomas J. Houston
Licensed State Land Surveyor
San Angelo, Texas

Filed for record in my office, the 31st day of October, 2008, at 11:30 o'clock A M, and duly recorded the 31st day of October 2008, in Vol. 176, Page 672 of the Official Public Records of Irion County, Texas.

Cori Manning,
County Clerk

(3)

File No. SF-16589

Irion County

Field Notes (13.5bacs.)

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S Sugarek

SURVEY REPORT
OF
13.56 ACRES OF LAND
LOCATED IN IRION COUNTY, TEXAS
By Thomas J. Houston
Licensed State Land Surveyor

Accompanies ROLLED SKETCH NO. 25
IRION COUNTY
FILED _____ , 2008

Jerry Patterson, Commissioner

By _____

Filed for record in my office, the 31 day of October, 2008 at 11:30 o'clock A M and duly recorded the 31 day of October, 2008 in Vol. 176 Page 672 of the Official Public Records of Irion County, Texas.

_____
Cori Manning, County Clerk

IRION CO

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WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/653-3916 * FAX 325/655-1895
P.O. BOX 3326-ZIP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

WM. C. WILSON, JR.
R.P.L.S., L.S.L.S.
(1932-2005)

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.,
B.S.S

Survey Report
October 29, 2008

RE: Possible vacancy in the SE part of Irion County, Texas.

This report is being filed along with Irion County Rolled Sketch No. 25 and Field Notes for 13.56 acres of unsurveyed Public School Land. The 13.56 acre survey lies between the east lines of Gonzales County School Land, Abstract 97 and O.B. Robertson Survey 1, Abstract 1261 and the west lines of G.C. & S.F. R.R. Co. Surveys 1 and 30, Abstracts 114 and 1130, all in Irion County Texas. Said 13.56 acres is occupied by and enclosed within the boundary fences that include said Surveys 1 and 30 except that portion lying south of the SE corner of Gonzales County School Land which is not fenced.

The senior surveys in this area are F. Willig Survey 712 and J.H. Weisheit Survey 782 which were both surveyed and patented in the 1850'S. These surveys are several miles apart and were surveyed by different surveyors but have identifiable corners that have been perpetuated by others. Next came H. & T.C. R.R. Co. Block 21 which was originally surveyed in 1873 by M.J. Doyle. This was a "paper" survey and was later monumented on the ground in the 1880's.

Gonzales County School Land was surveyed by J.H. Dickens in 1874. He calls to begin at the SE corner of F. Willig Survey 712 and traverses clockwise around the survey. He does not call for identifiable corners, simply for "mound" or "stake and mound".

The next surveyor in the area was C.D. Foote in 1878. He surveyed the G.C. & S.F. R.R. Co. surveys that lie to the north, east and south of said Gonzales County School Land. Mr. Foote calls the NE corner of G.C. & S.F. R.R. Co. Survey 1, Abstract 114 to begin at the NW corner of said Weisheit Survey 782. Mr. Foote set several corners that have been recovered as shown on Rolled Sketch No. 25. Foote appears to have done good work but does not appear to have known the proper relationship between Survey 782 and Gonzales County School Land. He set corners, made witnesses and called to adjoin Gonzales County School Land. At the SW corner of G.C. & S.F. R.R. Co. Survey 1 Mr. Foote calls to have set a stone mound with mesquite witness calling it to be the SE corner of Gonzales County School Land.

In 1907 J.E. Beavers surveyed O.B. Robertson Survey 1, SF-7928. He claims to have found Mr. Foote's corners and witnesses at the SW and NW corners of G.C. & S.F. R.R. Co. Survey 1. He made the SE corner of the Robertson survey common with Foote's SW corner of G.C. & S.F. R.R. Co. Survey 1. Mr. Beavers also set a corner with witnesses to mark the SE corner of Gonzales County School Land based on the original calls to said Willig Survey 712. The Beavers survey indicates that Foote's SW corner of G.C. & S.F. R.R. Co. Survey 1 is not common with the SE corner of Gonzales County School Land but is actually 576 varas south.

Most of the evidence mentioned above is also shown on a 1936 survey plat by J.J. Goodfellow. Mr. Goodfellows plat, which accompanies this report, depicts the problems between the G.C. & S.F. R.R. Co. surveys and Gonzales County School Land. It even shows the gap between these surveys which is the current issue being discussed here.

It appears the most reliable position for the east line of Gonzales County School Land is as established and monumented by Mr. Beavers and Mr. Goodfellow. The 5' tall galvanized iron pipe found at the SE corner of Gonzales County School Land fits witnesses called for

by Mr. Beavers. Said galvanized iron pipe also fits the Beavers tie to the NW corner of F. Willig Survey 712 by about 21 varas north-south and about 4 varas east-west. As is shown on his 1936 plat, Mr. Goodfellow set a car axle at a corner post for the NE corner of Gonzales County School Land. Since Mr. Goodfellow was aware of the position of Mr. Beavers and the NW Corner of said F. Willig Survey 712, it was held as being the best evidence for the NE Corner of Gonzales County School Land. This location also conforms to long time recognition and occupation.

The controlling corners to establish the C.D. Foote original position for the west lines of G.C. & S.F. R.R. Co. Surveys 1 and 30 were recovered with the exception of the SW corner of said Survey 1. This corner was re-established by projecting the course of S.0°47'32"W. used for said west line of Survey 30 southerly to intersect the north line of G.C. & S.F. RR. Co. Survey 2, Abstract 1071. Said north line of Survey 2 was located by holding a car axle previously found for the NW corner of Survey 2 and a car axle found for the NE corner of Survey 2. It should be noted that G.C. & S.F. R.R. Co. Survey 2 is in conflict with H. & T.C. R.R. Co. Block 21 causing the north line of Survey 2 to be short of its original call of 1900 varas.

The above described construction results in a 13.56 acre strip of unsurveyed Public School Land adjoining the west line of said G.C. & S.F. R.R. Co. Surveys 1 and 30. This 13.56 acre strip is occupied by two separate parties and is crossed by a ranch division fence. Field notes for the 12.77 acres lying south of the division fence and for the 0.79 acres lying north of the division fence can be prepared at a future date if necessary.

Thomas J. Houston
Licensed State Land Surveyor

FILED
AT 11:30 O'CLOCK A. M
ON THE 31 DAY OF Oct.
A.D., 2008
INS. NO. 25713

Ceri Maynard
County Clerk, Irion Co., Texas
BY Melissa Matthews DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.
BY Melissa Matthews Deputy

Ceri Maynard
County Clerk, Irion County, Texas
VOL. 176 PAGE 672
RECORDED 10/31/08

VOL 176 PAGE 681

(4)

File No. SE-16589

Irion County

Survey Report

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

17762

PARTITION DEED

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF IRION §

That WHEREAS, we, C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, each dealing herein with his or her separate property and not joined herein by spouses because none of the property herein involved is homestead of any of the parties, have and own in common the lands hereinafter mentioned and, except as to the 40-acre Headquarters Tract described on Exhibit "B" attached hereto and incorporated herein, desire to make a partition of the surface of said lands as set forth in this agreement;

NOW, THEREFORE, in consideration of the premises and to effect such partition, it is hereby COVENANTED, GRANTED and AGREED by and between such parties, and each of them COVENANTS, GRANTS and AGREES for himself or herself, and his or her heirs and assigns, that a partition of said lands be made as follows:

1. That C. STACEY EASTHAM, JR., shall from the date of this Deed own, have, hold and possess by and to himself, his heirs and assigns, as his separate property for his use and benefit, the SURFACE ONLY of the lands described as Third Tract in Exhibit "A" attached hereto and incorporated herein by reference, and RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said C. STACEY EASTHAM, JR., the SURFACE of said lands described as Third Tract in Exhibit "A" as his sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said C. STACEY EASTHAM, JR., as his sole and separate property and his heirs and assigns forever.

2. That RUTH EASTHAM FLOURNOY shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as First Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said RUTH EASTHAM FLOURNOY the SURFACE of said lands described as First Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said RUTH EASTHAM FLOURNOY as her sole and separate property and her heirs and assigns forever.

3. That MARY EASTHAM KING shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as Second Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said MARY EASTHAM KING the SURFACE of said lands described as

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DISTRICT COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the District Clerk's Office, Irion County, Texas

Second Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said MARY EASTHAM KING as her sole and separate property and her heirs and assigns forever.

4. That SARAH EASTHAM CHAPOTON shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as Fourth Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY and MARY EASTHAM KING do GRANT, RELEASE and CONFIRM unto the said SARAH EASTHAM CHAPOTON the SURFACE of said lands described as Fourth Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said SARAH EASTHAM CHAPOTON as her sole and separate property and her heirs and assigns forever.

5. Except as to the provisions of paragraph 10 hereof which do apply, it is expressly understood and agreed that this partition is not intended to affect and shall not affect the ownership of the Headquarters Tract described as the Headquarters Reservation on Exhibit "B" hereto and that the ownership of said Headquarters Tract shall remain undivided.

6. It is expressly understood and agreed that this Partition Deed is not intended to affect and shall not affect the ownership of oil, gas and other minerals and royalty therein underlying said lands, and that the ownership of said oil, gas and other minerals and royalty therein shall remain undivided.

7. It is expressly understood and agreed that this Partition Deed is made subject to that certain Private Road Easement executed by Ruth Eastham Flournoy et al dated September 8, 1992, recorded in Volume 96, Page 690, Deed Records of Irion County, Texas, and that each of the parties hereto expressly reserves all of his or her rights under said easement.

8. All expressed or implied liens in favor of the respective parties hereto resulting from the partitioning of the lands as above set forth are hereby expressly released in favor of the party to whom such lands are partitioned.

9. If any formal words of conveyance other than those used herein are necessary in order that this instrument effectuate each and every purpose and end intended in accordance with the above recitals, then such formal words shall be read into this instrument just as though placed herein before execution.

10. In the event any of the parties hereto (hereafter called the "Selling Owner") shall desire to sell his or her undivided interest in the 40-acre Headquarters Tract, then the other parties hereto (hereafter called the "Remaining Owners") shall have the option to purchase the such undivided interest. To exercise this option the Remaining Owners, within ninety (90) days following written notice from Selling Owner of said Owner's desire to sell, must notify the Selling Owner of the Remaining Owners' desire to exercise such option. If such notice is not given, then the Selling Owner shall be free to sell the Property to any willing buyer. In the

DISTRICT COURT OF IRION COUNTY, TEXAS
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event the Remaining Owners give notice of their desire to exercise the option within the specified time, then upon such notice, the Selling Owner and the Remaining Owners shall select an appraiser who is a member of the American Institute of Real Estate Appraisers and such appraiser shall proceed to value the undivided interest, which value so determined shall become the purchase and sales price of the undivided interest. The cost of such appraisal shall be borne one-half (1/2) by the Selling Owner and one-half (1/2) by the Remaining Owners. Within thirty (30) days from the date such appraiser has made such appraisal, the Remaining Owners may purchase, for cash, the undivided interest. If less than all of the Remaining Owners elect to purchase the Property, then the Remaining Owners who so elect or the Remaining Owner who so elects may purchase the entire interest in the undivided interest. If none of the Remaining Owners elect to purchase such undivided interest then the Selling Owner shall be free to sell such undivided interest to any willing buyer.

11. The parties executing this Deed agree to give at least one of the other parties three (3) months written notice of such party's intention to sell all or part of that party's tract. No notice of intention to sell shall be required of a grantee of any of the parties.

12. This Partition Deed may be executed in multiple counterparts and all counterparts taken together shall constitute one deed.

IN WITNESS WHEREOF, we set our hands this the 1 day of December, 1997.

C. STACEY EASTHAM, JR.

Ruth Eastham Flournoy

RUTH EASTHAM FLOURNOY

MARY EASTHAM KING

SARAH EASTHAM CHAPOTON

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DISTRICT COURT IRION COUNTY TEXAS

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STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 1997, by C. STACEY EASTHAM.

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on December 16, 1997, by RUTH EASTHAM FLOURNOY.

TINA GANDY
MY COMMISSION EXPIRES
February 28, 2000

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 1997, by MARY EASTHAM KING.

_____
Notary Public, State of Texas

DISTRICT OF COLUMBIA §

This instrument was acknowledged before me on _____, 1997, by SARAH EASTHAM CHAPOTON.

_____
Notary Public, District of Columbia

WP\REALEST\SMITH\EASTHAM.DED\gg\11-18-97

DISTRICT COURT OF IRION COUNTY, TEXAS
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EXHIBIT "A"

Descriptions for division of that portion of 10,717.43 acres of land more or less, described on Schedule 1 of road easement document recorded in Vol. 96 pg. 685 Official Public Records Irion County, Texas that lies South of the line described on Schedule 2 of said road easement document recorded in Vol. 96 pg. 685, Official Public Records Irion County, Texas, said lands being located in Irion County, Texas, approximately 25 miles Southwest of San Angelo, Texas, and 8 miles Southeast of Mertzon, Texas.

FIRST TRACT

Being 1,702 acres of land more or less, off of the East side of that part of said 10,717.43 acres of land, more or less, described in Schedule 1 of said road easement document above referenced lying South of the line described in Schedule 2 of said road easement document above referenced comprised of all that part of C.E.P.I. & M. Co. Survey No. 1, A-58, being 566.80 acres of land more or less, contained within said 10,717.43 acres of land, all of H.M. Wallis Survey 3, Abstract 1252, all of Frederick Munk Survey 785, A-479 lying South of line described in said Schedule 2, the East 80 acres of Wilhelm Schuler Survey 784, A-528, the East 545 acres of land out of H. & T.C. R.R. Co. Surveys 34 and 42, A-1073 & A-1070 being that part of said Surveys lying East of a line drawn Northerly from the South line of said Survey 34 parallel to its East line and extending to a North line of said Survey 42 which is the South line of Wilhelm Schuler Survey 783, A-527 sufficient distance Westerly from the East line of said Surveys 34 and 42 to contain 545 acres out of the East part of said two Surveys, and all that part of J.C. Brandes Surveys 786 & 787, A-27 & A-28 contained within said 10,717.43 acres of land, more or less, and lying South of the line described in said Schedule 2 of said road easement document above referenced.

SECOND TRACT

1,924 acres of land, more or less, being a central part of said 10,717.43 acres of land, more or less, and comprised of all of H. & T.C. R.R. Co. Survey 41, A-425, Block 21, all of L. B. Cocke Survey 42 1/2, Abstract 1283, all that part of H. & T.C. R.R. Co. Surveys 34 and 42, A-1073 & A-1070, Block 21, Save and Except the East 545 acres of said two Surveys which said 545 acres lays East of a line extending Northerly from the South line of said Survey 34 drawn parallel to its East line and extending across said Survey 42 to a North line thereof which is also the South line of Wilhelm Schuler Survey 783, A-527, sufficient distance Westerly to contain said 545 acres, all of Wilhelm Schuler Survey 784, A-528 save and except the East 80 acres thereof, all of Wilhelm Schuler Survey 783, A-527, and all that part of J.H. Weisheit Survey 782, A-652 lying Southeasterly of that part of Dove Creek extending Easterly from the "Headquarters" 40 acre reserved tract, and lying Easterly and Southerly from the East

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boundary and South boundary of said Headquarters "40 acres" tract and Southeasterly from the centerline of road described in Exhibit A attached to road easement document recorded in Vol. 96 pg. 685 Official Public Record Irion County, Texas, and also all that part of G.C. & S.F. R.R. Co. Survey 1, A-114 lying Southeast of the centerline of said Westerly part of road easement described in said Exhibit A and lying North of a Westward projection of the North line of L.B. Cocke Survey 42 1/2 (also known as H. & T.C. R.R. Co. Block 21) A-1283.

THIRD TRACT PART 1

Being 2,217 acres more or less, out of the Southwest part of said 10,717.43 acres of land, more or less, comprised of all of G.C. & S.F. R.R. Co. Survey 5, A-116, all of G.C. & S.F. R.R. Co. Survey 6, A-1100, all of G.C. & S.F. R.R. Co. Survey 3, A-115, and all that part of O.B. Robertson, Survey 1, A-1261, contained within said 10,717.43 acres of land more or less.

THIRD TRACT PART 2

Being 95 acres of land more or less, out of the middle North part of said 10,717.43 acres of land, more or less, comprised of all that part of Gottlieb Eberle Survey 779, A-763 lying South of line described in Schedule 2 of said road easement document recorded in Vol. 96 pg. 685 Official Public Records of Irion County, Texas, and the East 61 acres, more or less, of that part of Jacob Pfeiffer Survey 780, A-499 lying South of line described in said Schedule 2.

FOURTH TRACT

Being 2,184 acres of land more or less, out of the Northwest part of that part of said 10,717.43 acres of land, more or less lying South of the line described in Schedule 2 of said road easement document above referenced, comprised of all of G.C. & S.F. R.R. Co. Survey 2, A-1071, all of G.C. & S.F. R.R. Co. Survey 1, A-114, save and except the part thereof lying Southeast of the centerline of the Western part of road described in Exhibit A attached to Road Easement Document recorded in Vol. 96 pg. 685, Official Public Records Irion County, Texas, and lying North of a Westward projection of the North line of L.B. Cocke Survey 42 1/2 (also known as H. & T.C. R.R. Co. Block 21) A-1283, all that part of J.H. Weisheit Survey 782, A-652 lying Northwesterly of the Northwest part of the center of said road described in said Exhibit A and lying Westerly and Northerly from the "Headquarters 40 acre" reserved tract and lying Northerly from that part of Dove Creek extending Easterly across said Survey 782 from said "40 acre" Headquarters tract, all of Jacob Pfeiffer Survey 780, A-499 lying South of the line described in said Schedule 2, save and except the East 61 acres of said part lying South of said line described in

DISTRICT COURT OF IRION COUNTY, TEXAS

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said Schedule 2, all of Jacob Pfeiffer Survey 781, A-498 lying South of the line described in said Schedule 2, all of G.C. & S.F. R.R. Co. Survey 31, A-128 lying South of line described in said Schedule 2, and all of G.C. & S.F. R.R. Co. Survey 30, A-1130, lying Southerly from line described in said Schedule 2 together with all of any part of G.C. & S.F. R.R. Co. Survey 27, A-126 lying South of the line described in said Schedule 2.

DISTRICT COURT OF IRION COUNTY, TEXAS
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of record in the District Clerk's Office,
Irion County, Texas

EXHIBIT "B"

HEADQUARTERS RESERVATION

Being 40.00 acres of land in the form of a square on which the Headquarters Spring on Dove Creek is located, said 40.00 acres being described by metes and bounds as follows:

Beginning at a point for the N.E. corner of said 40.00 acre tract located 2638.80 feet S.11°01'11"E. from car axle found for the Original S.E. corner of G.C. & S.F. R.R. Co. Survey 30 and the Original S.W. corner of G.C. & S.F. R.R. Co. Survey 31 on the North line of J.H. Weisheit Survey 782, Abstract 652. This 40.00 acres is a part of said Survey 782.

Thence South 1320.00 feet to a point for the S.E. corner of this tract from which said Spring bears N.45°00'00"W. 933.38 feet.

Thence West 1320.00 feet to a point for the S.W. corner of this tract from which said Spring bears N.45°00'00"E. 933.38 feet.

Thence North 1320.00 feet to a point for the N.W. corner of this tract from which car axle marked "NE 1 JJG" found in stone mound for the Original N.W. corner of said Survey 82 and the N.E. corner of G.C. & S.F. R.R. Co. Survey 1 bears N.31°29'48"W. 3080.48 feet.

Thence East 1320.00 feet to the place of beginning, and containing 40.00 acres of land.

FILED
AT 9:34 O'CLOCK A M
ON THE 6 DAY OF April
A.D., 19 98.

Kelsa Criner
County Clerk, Irion Co., Texas
BY Meredith Horn
DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.

Kelsa Criner
County Clerk, Irion County, Texas
VOL. 126 PAGE 806
RECORDED 4/6/98

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the district clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 10/29 2008
BY _____ Deputy Clerk
Cori Manning
District Court

True and Correct Copy as the same appears of record in the District Clerk's Office, Irion County, Texas

COUNTY COURT IRION COUNTY TEXAS

VOL 126 PG 813

(5)

File No. SF-16589

Irion County

Partition Deed (12762)

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

12761

PARTITION DEED

THE STATE OF TEXAS $
$ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF IRION $

That WHEREAS, we C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING, SARAH EASTHAM CHAPOTON and ELIZABETH EASTHAM SIMPSON, each dealing herein with his or her separate property and not joined herein by spouses because none of the property herein involved is homestead of any of the parties, have and own in common the lands hereinafter mentioned, and desire to make a partition of the surface of said lands as hereinafter set forth in this agreement;

NOW, THEREFORE, in consideration of the premises and to effect such partition, it is hereby COVENANTED, GRANTED and AGREED by and between such parties, and each of them COVENANTS, GRANTS and AGREES for himself or herself, and his or her heirs and assigns, that a partition of said lands be made as follows:

1. That ELIZABETH EASTHAM SIMPSON shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of that certain land described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said ELIZABETH EASTHAM SIMPSON, the SURFACE of the said lands described in Exhibit "A", as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said ELIZABETH EASTHAM SIMPSON, as her sole and separate property and her heirs and assigns forever.

2. That C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON shall from the date of this Deed own, have, hold and possess by and to himself or herself, his or her heirs and assigns, as his or her separate property for his or her use and benefit, the SURFACE ONLY of the following described lands described in Exhibit "B" attached hereto and incorporated herein by reference, and ELIZABETH EASTHAM SIMPSON does GRANT, RELEASE and CONFIRM unto the said C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, the SURFACE of the said lands described in Exhibit "B", as his or her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, as his or her sole and separate property and his or her heirs and assigns forever.

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3. It is expressly understood and agreed that this Partition Deed is not intended to affect and shall not affect the ownership of oil, gas and other minerals and royalty therein underlying said lands, and that the ownership of said oil, gas and other minerals and royalty therein shall remain undivided.

4. All expressed or implied liens in favor of the respective parties hereto resulting from the partitioning of the lands as above set forth are hereby expressly released in favor of the party to whom such lands are partitioned.

5. If any formal words of conveyance other than those used herein are necessary in order that this instrument effect each and every purpose and end intended in accordance with the above recitals, then such formal words shall be read into this instrument just as though placed herein before execution.

IN WITNESS WHEREOF, we set out hands this the 8th day of September, 1992

C. Stacey Eastham

C. STACEY EASTHAM, JR.

Ruth Eastham Flournoy

RUTH EASTHAM FLOURNOY

Mary Eastham King

MARY EASTHAM KING

Sarah Eastham Chapoton

SARAH EASTHAM CHAPOTON

Elizabeth Eastham Simpson

ELIZABETH EASTHAM SIMPSON

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DISTRICT COURT OF IRION COUNTY, TEXAS

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STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by C. STACEY EASTHAM, JR.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by RUTH EASTHAM FLOURNOY.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by MARY EASTHAM KING.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

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DISTRICT COURT OF IRION COUNTY TEXAS
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DISTRICT OF COLUMBIA

This instrument was acknowledged before me on this the 14th day of September, 1992 by SARAH EASTHAM CHAPOTON.

Notary Public, State of Texas.

TRUDY L. McBRIDE
My Commission Expires Nov. 30, 1995

STATE OF ~~TEXAS~~ MONTANA

COUNTY OF Big Horn

This instrument was acknowledged before me on this the 17th day of September, 1992 by ELIZABETH EASTHAM SIMPSON.

DONNA R. LANE NOTARIAL SEAL STATE OF MONTANA

Notary Public, State of ~~Texas~~ MONTANA.

My Commission Expires 7-15-95

AFTER RECORDING
RETURN TO:
Gossett, Harrison, Reese
and Wilson
12 N. Abe P.O. Box 911
San Angelo, Texas 76902

clients\simpson\partitio\partitio.ded

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DISTRICT COURT OF IRION COUNTY, TEXAS

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EXHIBIT "A"
Page 1 of 2

DESCRIPTION FOR ELIZABETH EASTHAM SIMPSON'S PORTION OF THE PARTITION

The surface estate only in and to that portion of the 10,717.43 acres, more or less, described on Schedule 1 that lies generally North of the division line described on Schedule 2, including all or parts of the following Surveys:

	SURVEY	ABSTRACT	ORIGINAL GRANTEE
All	27	A-126	G.C.& S.F. R.R. Co.
All	29	A-127	G.C.& S.F. R.R. Co.
North Part	30[1]	A-1130	G.C.& S.F. R.R. Co.
North Part	31[2]	A-128	G.C.& S.F. R.R. Co.
All	1	A-1250	H.M. Wallis
Part	780[2]	A-499	Jacob Pfeiffer
Part	781[2]	A-498	Jacob Pfeiffer
Part	779[2]	A-763	Gottlieb Eberle
All	778	A-647	Thomas Walker
Part	787[2]	A-28	J.C. Brandes
Part	786[2]	A-27	J.C. Brandes
Part	785[2]	A-479	Frederick Munk
All	2	A-1251	H.M. Wallis

---

[1] The North part of Survey 30 being all of Survey 30 lying generally North and West of that portion of the division line described in Schedule 2 that is in Survey 30.

[2] The North part of Surveys 31, 779, 780, 781, 787, 785 and 786 being all of Surveys 31, 779, 780, 781, 787, 785 and 786 lying generally North of that portion of the division line described in Schedule 2 that is in Surveys 31, 779, 780, 781, 787, 785 and 786, respectively.

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Notwithstanding anything herein to the contrary, Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, and C. Stacey Eastham, Jr. intend to convey, and there is hereby conveyed to Elizabeth Eastham Simpson, all of the surface of property within the presently existing outside fence line surrounding the above described Surveys or parts of Surveys insofar as such surface lies North of the division line described in Schedule 2, and all lands contiguous or adjacent to the above described real property North of the division line which is:

A. owned or claimed by Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. by limitation, prescription, possession, reversion, unrecorded instrument, or otherwise; or,

B. as to which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. have a preferential right of acquisition,

whether specifically described or not, as well as any and all right of reverter or reversion to any and all of the easements which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. may be entitled to in the above described real property, together with all rights of ingress and egress thereto arising by express grant, or by implication.

clients\simpson\partition\exhibit.a

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DISTRICT COURT OF IRION COUNTY TEXAS

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DESCRIPTION FOR RUTH EASTHAM FLOURNOY, MARY EASTHAM KING, SARAH EASTHAM CHAPOTON, AND C. STACEY EASTHAM, JR.'S PORTION OF THE PARTITION

The surface estate only in and to that portion of the 10,717.43 acres, more or less, described on Schedule 1 that lies generally South of the division line described on Schedule 2, including all or parts of the following Surveys:

	SURVEY	ABSTRACT	ORIGINAL GRANTEE
Southeast Part	30[1]	A-1130	G.C.& S.F. R.R. Co.
Southwest Part	31[2]	A-128	G.C.& S.F. R.R. Co.
Part	780[2]	A-499	Jacob Pfeiffer
Part	781[2]	A-498	Jacob Pfeiffer
Part	779[2]	A-763	Gottlieb Eberle
Part	787[2]	A-28	J.C. Brandes
Part	786[2]	A-27	J.C. Brandes
Part	785[2]	A-479	Frederick Munk
All	1	A-114	G.C. & S.F. R.R. Co.
All	2	A-1071	G.C. & S.F. R.R. Co.
All	3	A-115	G.C. & S.F. R.R. Co.
All	5	A-116	G.C. & S.F. R.R. Co.
All	6	A-1100	G.C. & S.F. R.R. Co.
All	1	A-1261	O.B. Robertson

[1] The South part of Survey 30 being all of Survey 30 lying generally South and East of that portion of the division line described on Schedule 2 that is in Survey 30.

[2] The South part of Surveys 31, 779, 780, 781, 787, 785 and 786 being all of Surveys 31, 779, 780, 781, 787, 785 and 786 lying generally South of that portion of the division line described in Schedule 2 that is in Surveys 31, 779, 780, 781, 787, 785 and 786, respectively.

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	SURVEY	ABSTRACT	ORIGINAL GRANTEE
All	34	A-1073	H.& T.C. R.R. Co.
All	41	A-425	H.& T.C. R.R. Co.
All	42	A-1070	H.& T.C. R.R. Co.
All	42-1/2	A-1283	L.B. Cocke (Block 21, H.& T.C. R.R. Co.)
All	782	A-652	J.H. Weisheit
All	783	A-527	Wilhelm Schuler
All	784	A-528	Wilhelm Schuler
All	1	A-1252	C.E.P.I. & M. Co.
All	3	A-1252	H.M. Wallis

Notwithstanding anything herein to the contrary, Elizabeth Eastham Simpson intends to convey, and there is hereby conveyed to Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, and C. Stacey Eastham, Jr., all of the surface within the presently existing outside fence line surrounding the above described Surveys or parts of Surveys insofar as such surface lies South of the division line described in Schedule 2, and all lands contiguous or adjacent to the above described real property South of such division line which is:

A. owned or claimed by Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. by limitation, prescription, possession, reversion, unrecorded instrument, or otherwise; or,

B. as to which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. have a preferential right of acquisition,

whether specifically described or not, as well as any and all right of reverter or reversion to any and all of the easements which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. may be entitled to in the above described real property, together with all rights of ingress and egress thereto arising by express grant or by implication.

clients\simpson\partition\exhibit.b

DISTRICT COURT OF IRION COUNTY, TEXAS
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SCHEDULE 1
Page 1 of 1

PROPERTY IDENTIFICATION

The subject property consists of 10,717.43 acres of land, more or less, located in Irion County, Texas, approximately 25 miles southwest of San Angelo, Texas, and eight miles southeast of Mertzon, Texas.

LEGAL DESCRIPTION

Description	No. of Acres
Survey 1, GC & SF RR Co., A-114	628.60
Survey 2, GC & SF RR Co., A-1071	645.80
Survey 3, GC & SF RR Co., A-115	643.80
Survey 5, GC & SF RR Co., A-116	625.60
Survey 6, GC & SF RR Co., A-1100	645.00
Survey 27, GC & SF RR Co., A-126	460.80
Survey 29, GC & SF RR Co., A-127	640.40
Survey 30, GC & SF RR Co., A-1130	645.80
Survey 31, GC & SF RR Co., A-128	643.70
Survey 1, O.B. Robertson, A-1261	302.13
Section 34, BLK 21, H&TC RR CO., A-1073	640.00
Section 41, BLK 21, H&TC RR CO., A-425	640.00
Section 42, BLK 21, H&TC RR CO., A-1070	640.00
Section 42 1/2, L.B. Cocke (BLK 21, H&TC RR CO.), A-1283	36.70
Thomas Walker Survey 778, A-647	161.50
Gottlieb Eberle Survey 779, A-763	229.00
Jacob Pfeiffer Survey 780, A-499	163.20
Jacob Pfeiffer Survey 781, A-498	161.50
J.H. Weisheit Survey 782, A-652	659.00
Wilhelm Schuler Survey 783, A-527	161.50
Wilhelm Schuler Survey 784, A-528	160.00
Frederick Munk Survey 785, A-479	248.00
J.C. Brandes Survey 786, A-27	158.40
J.C. Brandes Survey 787, A-28	133.60
C.E.P.I. & M. Co. Survey No. 1, A-1252	566.80
Survey 1, H.M. Wallis, A-1250	31.50
Survey 2, H.M. Wallis, A-1251	24.10
Survey 3, H.M. Wallis, A-1252	21.00
Total acreage count:	10,717.43 (more or less)

clients\simpson\partitio\schedule.1 (9/10/92)

VOL 96 PAGE 682

DISTRICT COURT IRION COUNTY, TEXAS
True and Correct Copy as the same appears of record in the District Clerk's Office, Irion County, Texas

SCHEDULE 2

WM. C. WILSON, JR.
AND ASSOCIATES
LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 915/653-3916 • P.O. BOX 3326
1514 West Beauregard Ave.
SAN ANGELO, TEXAS 76902

Partition

Description
Proposed Division Line

Being a division line across G.C. & S.F.R.R. Co. Surveys 30 and 31, Gottlieb Eberle Survey 779, Jacob Pfeiffer Surveys 780 and 781, F. Munk Survey 785 and Johann Brandes Surveys 786 and 787 all in Irion County, Texas said division line also being across that "9808 acres" of land described in Deed from Amanda C. Crooks, et al to Mrs. Lillian Seeligson Winterbotham dated July 1, 1936 and recorded in Volume 20 at page 328 of the Deed Records of Irion County, Texas. Said division line being described as follows:

Beginning at a fence corner post found in an occupied West line of said "9808 acres" from which a car axle marked "N.E. 1 JJG" found in a stone mound in the South line of said Survey 30 for the N.E. corner of G.C. & S.F.R.R. Co. Survey 1 and the N.W. corner of said J.H. Weishett Survey 782 bears S.49°01'51"E. 3820.98 feet.

Thence along or near an existing fence, S.75°09'01"E. 4772.03 feet to a fence corner post.

Thence N.21°11'21"E. 369.84 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.46°27'W. 2.97 feet.

Thence N.45°49'09"E. 865.53 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.16°34'W. 2.97 feet.

Thence S.74°44'05"E. 941.29 feet to a 3/8" spike set for corner.

Thence S.68°47'24"E. 432.51 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.33°46'E. 2.94 feet.

Thence N.72°58'04"E. 1964.90 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.25°52'W. 2.97 feet.

Thence N.64°19'31"E. 1138.62 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.8°50'W. 3.00 feet.

Thence N.73°40'49"E. 542.12 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.8°05'W. 3.02 feet.

VOL. 96 PAGE 683

DISTRICT COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the District Clerk's Office, Irion County, Texas

SCHEDULE 2
Page 2 of 2

Partition

Description
Proposed Division Line

Thence N.87°40'13"E. 245.69 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.3°14'E. 3.00 feet.

Thence S.7°18'57"E. 806.20 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.11°00'E. 3.00 feet.

Thence S.86°48'28"E. 789.89 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.4°00'W. 2.99 feet.

Thence N.66°40'27"E. 724.58 feet to a point in the centerline of Dove Creek from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.79°28'08"W. 80.05 feet.

Thence S.78°07'38"E. 728.91 feet to a point on the West side of a canal.

Thence along the West side of canal, N.46°24'28"E. 304.91 feet to a point in a fence on the South side of an existing caliche road.

Thence along or near said fence on South side of said caliche road, S.73°14'10"E. 34.12 feet; S.85°05'54"E. 139.09 feet; S.89°57'12"E. 28.18 feet; S.84°41'16"E. 553.07 feet and N.84°34'37"E. 401.46 feet to a point in the centerline of Kepler Creek for the end of this division line from which a car axle found in a small stone mound for the North Common corner of said Surveys 786 and 787 bears N.18°41'02"W. 1334.20 feet.

NOTE: Courses and distances recited herein are of the Texas Coordinate System of 1927 - Central Zone.

Surveyed on the ground June 12 thru August 26, 1992.

Thomas J. Houston

Thomas J. Houston
Registered Professional Land Surveyor No. 4261

STATE OF TEXAS
REGISTERED
THOMAS J. HOUSTON
4261
PROFESSIONAL
LAND SURVEYOR

Filed for record September 21 1992, at 10:00 o'clock A .M.
Duly recorded September 28 1992, at 11:00 o'clock A .M.
Jane Ethridge, County & District Clerk, Irion County, Texas
By Ruth Flores
Rubi Flores, Deputy Clerk, Irion County, Texas

VOL. 96 PAGE 684

True and Correct Copy as the same appears of record in the District Clerk's Office, Irion County Texas

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the district clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 10/29 2008
BY _____ Deputy Clerk
Cori Manning
District Court

COUNTY COURT
IRION COUNTY, TEXAS

(6)

File No. SF-16589

Irion County

Partition Deed (12761)

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Suganek

$ REMITTANCE DISTRIBUTION - DO NOT FILE $

Name	Remittance Description					Fiscal Year	Register Number	Amount
	Refer	Type	Mo	Day	Year			
WILSON LAND SURVEYI ASSET INSP/MGMT (00)(C)	156	C	11	07	2008	2009	004488	250.00

File Number	GLA	Amount	File Number	GLA	Amount
SF-16589	3301087	$150.00	VAC. APPLIC.	Filing Fee	
"	3301087	25.00	Deed filing fees		
"	3301052	25.00	Fld. Notes		

CASH/MM00002

SLS 12/9/08

(7)

File No. SF-16589

Irion County

Copy of Distrib Slip

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

December 22, 2008

Sarah Easton Chapoton
18 West Kirke Street
Chevy Chase, MD 20815

MAIL CODE 101
Via Certified Mail,
Return Receipt Requested

RE: GLO Scrap File Number (SF) 16589, Application to Purchase Vacant Land, Sarah E. Chapoton, Applicant (Irion County)

Dear Ms. Chapoton:

We have examined your vacancy application, SF 16589, for approximately 13.5 acres of land in Irion County, Texas. We hereby notify you that your application is administratively complete.

The vacancy statute requires the designation of an "application commencement date."[1] The application commencement date for your application, SF 16589, is **February 20, 2008**.

As the applicant, you are required to pay all reasonable and necessary costs incurred by the GLO in processing this vacancy. Such costs may include, but are limited to, the cost of providing notice, engaging the services of an attorney ad litem, and conducting hearings. The GLO has determined that the **initial** deposit to cover estimated necessary costs is $3,000. If a hearing is scheduled, we will require a supplemental cost deposit.

You must remit the initial cost deposit of $3,000 to the GLO by check, cashier's check, or money order **(please do not send cash)**, payable to the "Texas General Land Office." The GLO must receive your payment not later than **January 21, 2008**. Please deliver or mail the payment to the attention of:

Susan Sugarek
Mail Code 101
Texas General Land Office
P.O. Box 12873,
Austin, Texas 78711-2873.

Please be advised that this deposit represents only an initial estimate of the reasonably necessary costs of processing this vacancy application, and that by law supplemental deposits may be required. If you refuse or fail to submit the required deposit in accordance with this

[1] TEX. NAT. RES. CODE. § 51.172(1-b).

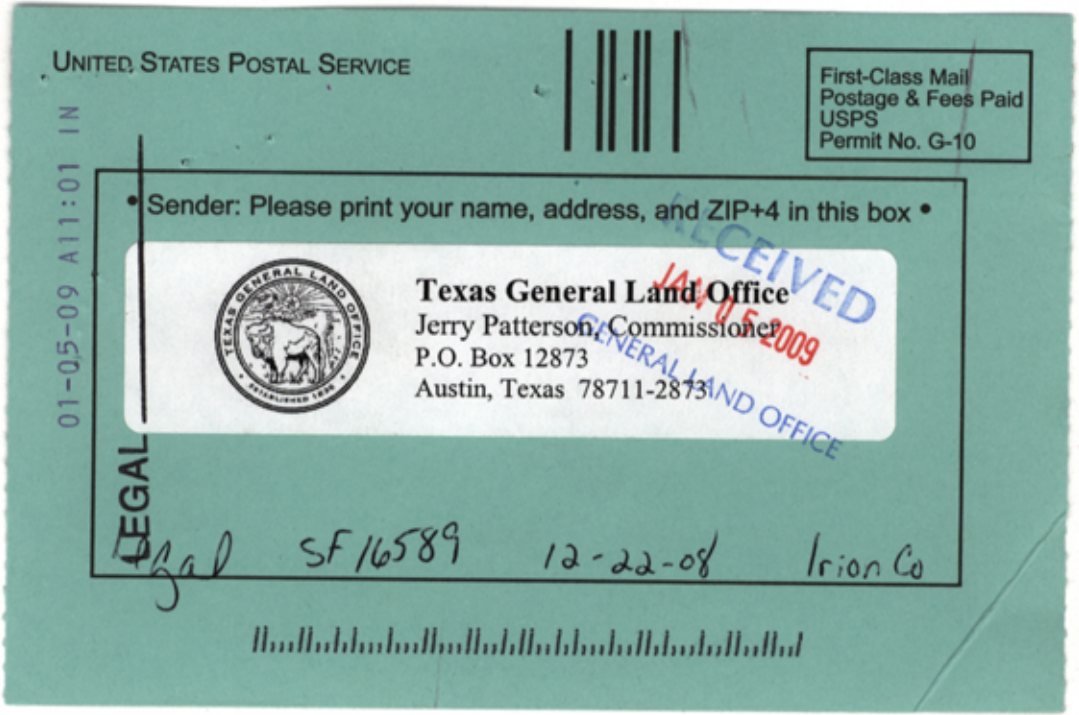
letter, your vacancy application will be dismissed without prejudice and you will forfeit any fees you have already paid.

We have sent two originals of this letter – one via first class mail and one via certified mail, return receipt requested. There is no difference between the two letters, but we want to ensure that you receive the letter even if you are unavailable to sign a receipt. We will keep you informed of the results of the vacancy process. You can contact LaNell Aston at (512) 936-1921 or lanell.aston@glo.state.tx.us if you have any questions.

Sincerely,

David N. Land
Attorney-at Law
Legal Services Division

Cc: Thomas J. Houston, Wilson Land Surveying, Inc.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01-05-09 A11:01 IN

• Sender: Please print your name, address, and ZIP+4 in this box •

Texas General Land Office
Jerry Patterson, Commissioner
P.O. Box 12873
Austin, Texas 78711-2873

RECEIVED
JAN 05 2009
GENERAL LAND OFFICE

LEGAL

Gal SF 16589 12-22-08 Irion Co

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sarah Easton Chapoton
18 Westkirke St.
Chevy Chase, MD
20815

COMPLETE THIS SECTION ON DELIVERY.

A. Signature

X Victoria Cruijale ☐ Agent ☑ Addressee

B. Received by *(Printed Name)* VICTORIA C | C. Date of Delivery RUIJALE

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEPTION 2001 DEC 29 USPS

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8129

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

7003 2260 0007 0065 8129

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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Sent To: Sarah Easton Chapeton

Street, Apt. No., or PO Box No.: 19 West Kirke St

City, State, ZIP+4: Chevy Chase MD 20815

PS Form 3800, June 2002 — See Reverse for Instructions

PS Form 3800, June 2002 (Reverse)

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement *"Restricted Delivery"*.
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

David Land sent administratively complete letter to Chapoton (certified) and Thomas J. Houston, Wilson Land Surveying (regular). 12/22/08 SF-16589, IrionCo.

4 pieces of 8 1/2 x 11 paper

2 letter size envelopes

1 certified/return receipt requested letter- totaling 5.32 (postage .42, certified 2.70, return receipt 2.20)
1 regular letter - .42

Posted 6/2/11

(9)

File No. SF-16589

Irion County

Postage expense

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

$ REMITTANCE DISTRIBUTION - DO NOT FILE $

Name	Remittance Description					Fiscal Year	Register Number	Amount
	Refer	Type	Mo	Day	Year			
CHAPOTON S E (S)	101	C	01	20	2009	2009	008236	3,000.00

File Number	GLA	Amount	File Number	GLA	Amount
SF-16589		$3,000.00	Initial Cost Deposit		

CASH/MM00002

SL
2-2-09

(10)

File No. SF-16589

Irion County

Cost deposit recd (copy)

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice to Necessary Parties and attachments listed therein has been sent by Certified Mail, Return Receipt Requested on this 18th day of February, 2009 to the person(s) listed below regarding SF 16589 . (Irion County).

David Land

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

Note: Wrong date on the att'd. ltrs.
Re-mailed 2-20-2009

Mr. Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

Ms. Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008 - should be 9

VIA CERTIFIED MAIL

C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Eastham:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

If you object to the vacancy application or the survey, you may file an "exception" with the GLO not later than 60 days after the date of this notice. The requirements for filing an exception are found in Title 31, Texas Administrative Code, Section 13.75. If you file an exception, you must send a copy to all necessary parties who have requested continuing notification. Upon request, the GLO will provide you with a list of the names and last-known addresses of the necessary parties. If you need an extension of time, you must request it in writing not later than 10 days before the deadline as required by Title 31, Texas Administrative Code Section 13.73.

If an exception is filed or if the GLO concludes that a vacancy is likely to exist, the GLO generally must conduct a hearing. As a necessary party, you will be notified about the time and place of the hearing even if you do not send in the Continuation of Notices Form. If all necessary parties agree in writing with the GLO that the hearing is waived, the GLO will not hold a hearing and will make the vacancy determination based on its investigation. The Commissioner will issue a Final Order either finding that a vacancy exists or a Final Order with a finding of NO VACANCY. You will receive a copy of the Commissioner's Final Order even if you do not send in the Continuation of Notice Form.

If a vacancy is found to exist, you may be entitled to assert your status as a "**good-faith claimant**" ("GFC") as defined in Texas Natural Resources Code Section 51.172(2). A GFC is a person who occupies or uses land found to be vacant. To assert GFC status, you must file an affidavit (a "GFC Affidavit") and submit all deeds and other property records that support your claim. A GFC has a preferential right to purchase or lease any proven interest in the land determined to be vacant. If you wish to assert a claim based on GFC status, you will have 90 days after the Final Order to file the GFC Affidavit and supporting documents with the GLO. Failure to file a GFC Affidavit within 90 days after the Final Order will result in forfeiture of any preferential right to purchase or lease the vacant land.

Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

7003 2260 0007 0065 8204

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Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

PS Form 3800, June 2002

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Gerald Chapotow ☑ Agent ☐ Addressee

B. Received by *(Printed Name)* Gerald Chapotow C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7003 2260 0007 0065 8204

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008

VIA CERTIFIED MAIL

Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

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Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

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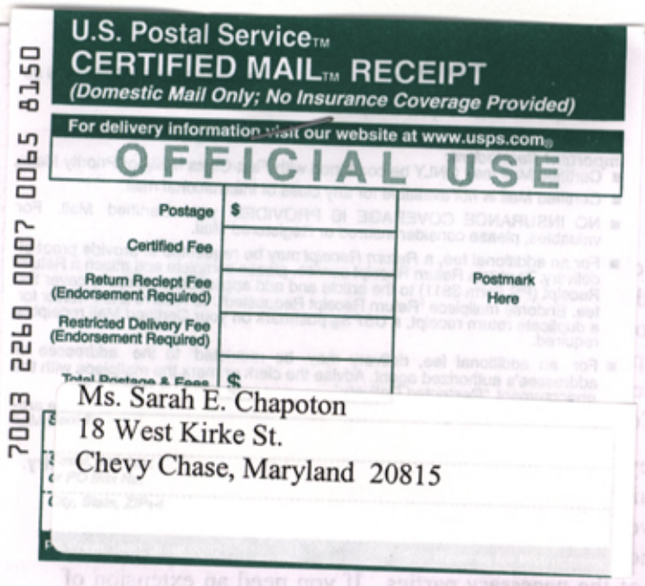
Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.



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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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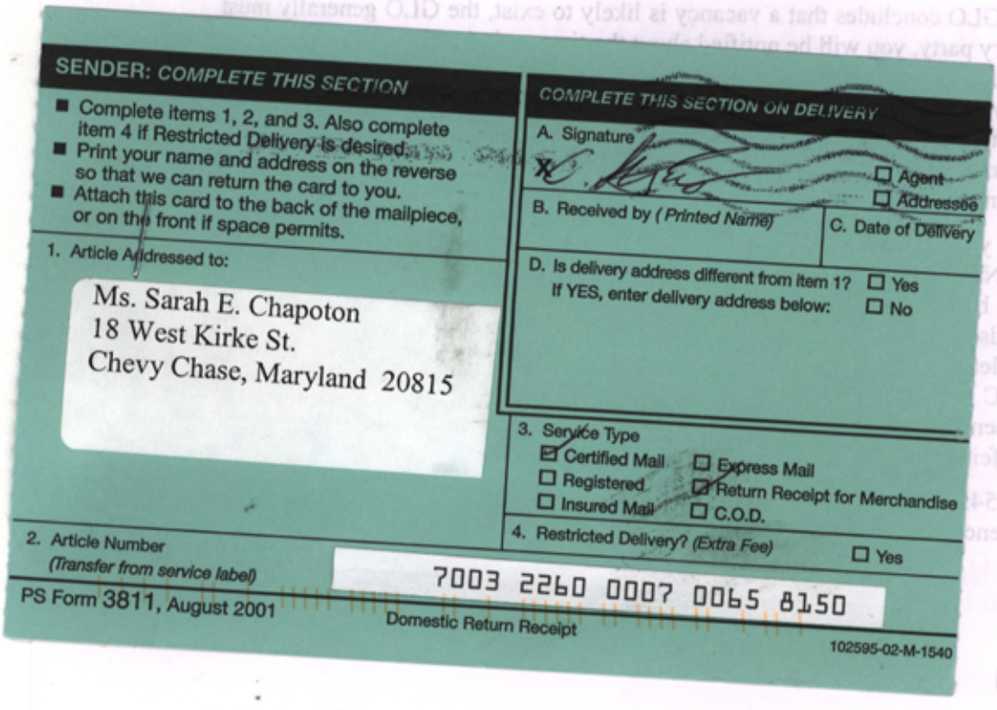
7003 2260 0007 0065 8150

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815



SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8150

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008

VIA CERTIFIED MAIL

Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Houston:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

If you object to the vacancy application or the survey, you may file an "exception" with the GLO not later than 60 days after the date of this notice. The requirements for filing an exception are found in Title 31, Texas Administrative Code, Section 13.75. If you file an exception, you must send a copy to all necessary parties who have requested continuing notification. Upon request, the GLO will provide you with a list of the names and last-known addresses of the necessary parties. If you need an extension of time, you must request it in writing not later than 10 days before the deadline as required by Title 31, Texas Administrative Code Section 13.73.

If an exception is filed or if the GLO concludes that a vacancy is likely to exist, the GLO generally must conduct a hearing. As a necessary party, you will be notified about the time and place of the hearing even if you do not send in the Continuation of Notices Form. If all necessary parties agree in writing with the GLO that the hearing is waived, the GLO will not hold a hearing and will make the vacancy determination based on its investigation. The Commissioner will issue a Final Order either finding that a vacancy exists or a Final Order with a finding of NO VACANCY. You will receive a copy of the Commissioner's Final Order even if you do not send in the Continuation of Notice Form.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

7003 2260 0007 0065 8167

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Mr. Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Sherry Price ☐ Agent ☑ Addressee

B. Received by (Printed Name) Sherry Price
C. Date of Delivery 2-29-01

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8167

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008

VIA CERTIFIED MAIL

Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Flournoy:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
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A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

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www.glo.state.tx.us

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

PS Form 3800, June 2002

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 2-20-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8174

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008

VIA CERTIFIED MAIL

Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. King:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
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www.glo.state.tx.us

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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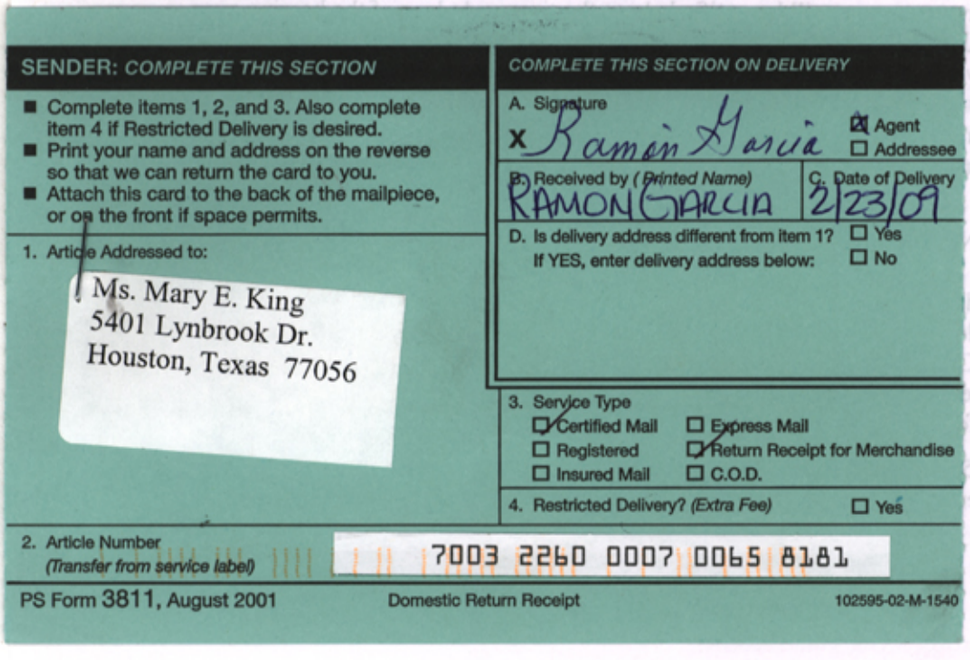
Ms. Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

PS Form 3800, June 2002



SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Ramon Garcia ☒ Agent ☐ Addressee

B. Received by (Printed Name) RAMON GARCIA
C. Date of Delivery 2/23/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 8181

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 18 ,2008

VIA CERTIFIED MAIL

Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Simpson:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

File No. SF-16589
Trion County
Certif. of Service
Date Filed: 9-13-2011
Jerry E. Patterson, Commissioner
By L Sugarek

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7003 2260 0007 0065 8198

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

SENDER: COMPLETE THIS SECTION
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

COMPLETE THIS SECTION ON DELIVERY
A. Signature
x Nubia E Mejia ☐ Agent ☐ Addressee
B. Received by (Printed Name) Nubia E Mejia C. Date of Delivery 9/16/11
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 8198
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice to Necessary Parties and attachments listed therein, previously sent in error on February 18, 2009, has been sent by Certified Mail, Return Receipt Requested on February 20, 2009 to the person(s) listed below regarding SF 16589 (Irion County).

David Land

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

Ms. Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

VIA CERTIFIED MAIL

Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

RE: AMENDED NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Simpson:

We are providing this Amended Notice to Necessary Parties as the prior notice letter which was mailed to you contained an inadvertent error listing the date of mailing as "February 18, 2008" instead of "February 18, 2009." We apologize for the error. Please disregard the prior Notice to Necessary Parties letter.

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the

School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
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City, State, ZIP+

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Ramon Garcia ☑ Agent ☐ Addressee

B. Received by (Printed Name) RAMON GARCIA
C. Date of Delivery 2/23/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7003 2260 0007 0064 6614

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

VIA CERTIFIED MAIL

Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

RE: AMENDED NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.
YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Chapoton:

We are providing this Amended Notice to Necessary Parties as the prior notice letter which was mailed to you contained an inadvertent error listing the date of mailing as "February 18, 2008" instead of "February 18, 2009." We apologize for the error. Please disregard the prior Notice to Necessary Parties letter.

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Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Street, Apt. or PO Box
City, State,

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

PS Form 380 June 2002 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Sarah Chapoton ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
X SARAH CHAPOTON

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

WALLINGTON ROAD STATION 20814-9998 FEB 8 2009 USPS

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8211

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

VIA CERTIFIED MAIL

Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

RE: AMENDED NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.
YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Flournoy:

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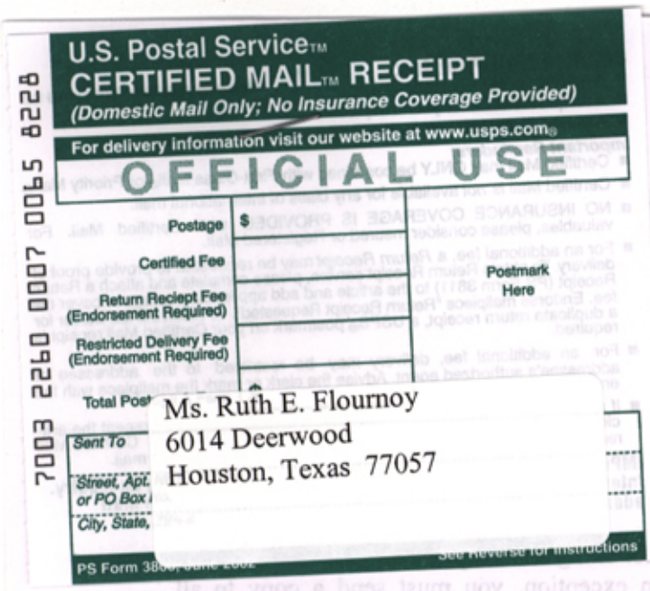
Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.



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Sent To
Ms. Ruth E. Flournoy
Street, Apt. or PO Box
6014 Deerwood
City, State,
Houston, Texas 77057

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 9/23/07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 8228

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

VIA CERTIFIED MAIL

Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

RE: AMENDED NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. King:

We are providing this Amended Notice to Necessary Parties as the prior notice letter which was mailed to you contained an inadvertent error listing the date of mailing as "February 18, 2008" instead of "February 18, 2009." We apologize for the error. Please disregard the prior Notice to Necessary Parties letter.

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Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
Ms. Mary E. King
Street, Apt. No.
or PO Box No. 5401 Lynbrook Dr.
City, State, ZI Houston, Texas 77056

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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5401 Lynbrook Dr.
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A. Signature
x [signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 2-25-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0064 6607

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

VIA CERTIFIED MAIL

C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

RE: AMENDED NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Eastham:

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If you object to the vacancy application or the survey, you may file an "exception" with the GLO not later than 60 days after the date of this notice. The requirements for filing an exception are found in Title 31, Texas Administrative Code, Section 13.75. If you file an exception, you must send a copy to all necessary parties who have requested continuing notification. Upon request, the GLO will provide you with a list of the names and last-known addresses of the necessary parties. If you need an extension of time, you must request it in writing not later than 10 days before the deadline as required by Title 31, Texas Administrative Code Section 13.73.

If an exception is filed or if the GLO concludes that a vacancy is likely to exist, the GLO generally must conduct a hearing. As a necessary party, you will be notified about the time and place of the hearing even if you do not send in the Continuation of Notices Form. If all necessary parties agree in writing with the GLO that the hearing is waived, the GLO will not hold a hearing and will make the vacancy determination based on its investigation. The Commissioner will issue a Final Order either finding that a vacancy exists or a Final Order with a finding of NO VACANCY. You will receive a copy of the Commissioner's Final Order even if you do not send in the Continuation of Notice Form.

If a vacancy is found to exist, you may be entitled to assert your status as a **"good-faith claimant"** ("GFC") as defined in Texas Natural Resources Code Section 51.172(2). A GFC is a person who occupies or uses land found to be vacant. To assert GFC status, you must file an affidavit (a "GFC Affidavit") and submit all deeds and other property records that support your claim. A GFC has a preferential right to purchase or lease any proven interest in the land determined to be vacant. If you wish to assert a claim based on GFC status, you will have 90 days after the Final Order to file the GFC Affidavit and supporting documents with the GLO. Failure to file a GFC Affidavit within 90 days after the Final Order will result in forfeiture of any preferential right to purchase or lease the vacant land.

Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

(12)

File No. SF-16589
Irion County
Certif. of Serv. (2-20-09 Mailed)
Date Filed: 9-13-2011
Jerry E. Patterson, Commissioner
By Susan Sugarek

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE
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Postmark Here
Total Postage
Sent To
Street, Apt. or PO Box
City, State,
PS Form 3800, June 2002
See Reverse for Instructions

7003 2260 0007 0065 7610

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X C. Stacey Eastham ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 7610

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

From: Cheli Cook
To: Susan Sugarek
Date: 2/18/2009 2:52:26 PM
Subject: Mail Cost for Notice to NPs mailed 2-18-09

Susan

I sent out six letters w/attachments. SF-16589

78 pieces of 8 1/2 x 11 paper
144 pieces of 8 1/2 x 14 paper
6 plats - 34" x 22"
6 - 9 1/2 x 14 1/2 envelopes

postage $2.36 x 6 = $14.16
Certified Mail $2.70 x 6 = $16.20
Return Receipt Requested $2.20 x 6 = $13.20

TOTAL = $43.56

(13)

File No. SF-16589

Irion County

Mail cost for Notice to NPs

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Susan

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 20, 2009

George Thompson, Attorney-at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

RE: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County): Attorney Ad Litem Engagement

Dear Mr. Thompson:

The Land Commissioner has determined that Sarah Chapoton, the applicant for a vacancy relating to a 13.56-acre tract in Irion County in GLO Scrap File No. SF 16589, does not own all interests in the land surrounding the land claimed to be vacant. The Commissioner has appointed your law firm as the attorney ad litem to identify additional necessary parties to the vacancy, if any. If it is later determined that a necessary party had been identified but not located, you will represent the interests of those parties. Tex. Nat. Res. Code § 51.180(b). *See also* 31 Tex. Admin. Code § 13.78.

The applicant, Sarah Chapoton filed a vacancy application, a survey with a plat, field notes and a surveyor's report. With its application, the applicant filed an affidavit stating that it had thoroughly searched the relevant land records and had provided the names and addresses of all necessary parties that it could identify. The applicant's list of necessary parties is included in the application. The application was declared administratively complete, and we have notified the listed necessary parties of the existence of this vacancy application as required by statute.

We have done a preliminary analysis of the application and the survey. Those documents demonstrate that the applicant does not own all interests in the land surrounding the vacancy, which is the threshold for the mandatory appointment of an attorney ad litem.

Please conduct a thorough search of the property records of Irion County and all other relevant records and prepare a list including the last known name and addresses of all necessary parties. Please also document and attest to the actions performed during the course of the search and the time spent.

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

Enclosed you will find copies of the following documents:

(1) Sarah Chapoton's vacancy application received by the GLO on November 11, 2008;
(2) A copy of the notice letters and one set of the enclosures sent to the necessary parties;
(3) A list of the names and addresses of the necessary parties;
(4) Memorandum by David Land analyzing the application and supporting documents to determine if unidentified necessary parties are likely to exist.

After you have had a chance to review the enclosed documents, please feel free to contact me at (512) 463-5450 or via email at david.land@glo.state.tx.us if you need clarification. We want to assist and support your efforts as much as possible.

Sincerely,

David Land
Attorney at Law

Enc.

cc: Bill Warnick (without enclosures)

(14)

File No. SF-16589

Irion County

Atty. Ad litem appt. ltr.

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

From: Cheli Cook
To: Susan Sugarek
Date: 2/20/2009 8:20:45 AM
Subject: Irion Co SF 16589 cost

Mailed ltr to Geo Thompson re appointment of AAL by commissioner

25 pieces of 8 1/2 x 11 paper

24 pieces of 8 1/2 x 14 paper

1 plat 34" x 22"

1 envelope 15" x 10"

Postage $2.70

(15)

File No. SF-16589

Irion County

Postage expense

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

CONTINUATION OF NOTICES REGARDING VACANCY APPLICATION: SF-16589, SARAH E. CHAPOTON, APPLICANT (IRION COUNTY)

GLO Staff: Date Notice & Forms were mailed: ***February 18, 2009***

Instructions: If you want to continue to receive notices regarding this vacancy proceeding, fill in the blank spaces below and sign and date the form. Mail or deliver the completed form to the following address not later than thirty (30) days after the date the notice & forms were mailed (see above):

Vacancy Administrator
Legal Services Division
General Land Office
1700 N. Congress Ave.
P.O. 12873
Austin, TX 78711-2873

You may receive notices and participate in the vacancy process because you are a necessary party. No formal intervention is required. If the Texas Land Commissioner issues an order finding that a vacancy exists, a copy will be mailed to you whether or not you have requested to continue to receive notices.

I, THOMAS J. HOUSTON [print name], have been notified by the General Land Office that I am a necessary party to the above-captioned vacancy application. I request that the General Land Office continue to send notices to me regarding the processing of this vacancy application at the following address:

[Print legibly so that the General Land Office can address your notices correctly.]

Name: THOMAS J. HOUSTON

Street Address: _____

P.O. Box (if applicable): P.O. Box 3326

City, State & Zip Code: SAN ANGELO, TX 76902

Email address (optional): _____

Thom J Houston
Signature

2-25-09
Date

02-27-09 P02:26 IN

LEGAL _____

CONTINUATION OF NOTICES REGARDING VACANCY APPLICATION:
SF-16589, SARAH E. CHAPOTON, APPLICANT (IRION COUNTY)

GLO Staff: Date Notice & Forms were mailed: ***February 18, 2009***

Instructions: If you want to continue to receive notices regarding this vacancy proceeding, fill in the blank spaces below and sign and date the form. Mail or deliver the completed form to the following address not later than thirty (30) days after the date the notice & forms were mailed (see above):

Vacancy Administrator
Legal Services Division
General Land Office
1700 N. Congress Ave.
P.O. 12873
Austin, TX 78711-2873

You may receive notices and participate in the vacancy process because you are a necessary party. No formal intervention is required. If the Texas Land Commissioner issues an order finding that a vacancy exists, a copy will be mailed to you whether or not you have requested to continue to receive notices.

I, MARY EASTHAM KING [print name], have been notified by the General Land Office that I am a necessary party to the above-captioned vacancy application. I request that the General Land Office continue to send notices to me regarding the processing of this vacancy application at the following address:

[Print legibly so that the General Land Office can address your notices correctly.]

Name: MARY EASTHAM KING
Street Address: 5401 LYNBROOK
P.O. Box (if applicable):
City, State & Zip Code: HOUSTON, TX 77056
Email address (optional): meking10@comcast.net

Mary Eastham King
Signature

2/25/09
Date

03-02-09 P02:36 IN

LEGAL

(16)

File No. SF-16589

Irion County

Contin. J) Notice(2) rec'd.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: March 27, 2009

TO: Jane G. Sarosdy
Staff Attorney
Legal Services Division

FROM: Bill O'Hara
Director
Surveying Division

SUBJECT: SF16589 in Irion County (Application by Sarah E. Chapoton)

It is my opinion that a vacancy does exist as applied for under this Vacancy Application.

This alleged vacancy is bounded on the north by Survey No. 27, G.C & S.F. RR Co. Surveys, A-126; on the west by the Gonzales County School Land Survey, A-97, and the O.B. Robertson Survey No. 1, A-1261; on the east by Survey No. 30, G.C & S.F. RR Co. (Grantee – Frank Farmer), A-1130, Survey No. 1, G.C & S.F. RR Co., A-114; and, on the south by Survey No. 2, G.C & S.F. RR Co. (Grantee – W.E. Branch), A-1071.

Thomas Houston, Licensed State Land Surveyor, performed a survey of the area during the period of June 1992 through July 2008. I have reviewed his survey plat, surveyor's report and field notes along with files in the Archives and Records and a working sketch prepared by surveyor Houston. Mr. Houston has properly constructed the survey boundaries based on the evidence found and the calls in the field notes. This construction of the surveys does confirm the existence of a 13.56 acre vacancy.

A vacancy is an area of unsurveyed public school land that is not in conflict on the ground with land previously titled, awarded, or sold; has not been listed on the records of the land office as public school land; and, was not, on the date of filing an application, subject to an earlier subsisting application by the applicant or good faith claimant, or the subject of pending litigation brought by the state to recover the land. It is my conclusion, based on the facts stated above, that the land described in this application does meet the definition of a vacancy.

(17)

File No. SF16589

Irion County

Memo fm. B. O'Hara

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251

(806) 793-7600

PR# 9-2450
K# 08-169-000-3292
Date: 4-6-09
OK / Pay:
G.C.

April 01, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
2/23/2009	CW	Receipt and review of file contents - letter, notice to necessary parties, good faith claimant affidavit, survey report, field notes and deeds	0.75 185.00/hr	138.75
		For professional services rendered	0.75	$138.75
		Balance due		$138.75

(18)

File No. SF-16589

Irion County

Ad litem bill dtd. 4-1-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 9-0450
K# 08-169-000-3292
Date: 5-7-09
OK / Pay: DLA
G.C. LWW

May 05, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

		Hrs/Rate	Amount
4/24/2009 CW	Research at Irion County central appraisal district; research deed records	7.00 185.00/hr	1,295.00
	For professional services rendered	7.00	$1,295.00
	Previous balance		$138.75
4/21/2009	Payment - thank you		($138.75)
	Total payments and adjustments		($138.75)
	Balance due		$1,295.00

(19)

File No. SF-16589

Irion County

Ad litem bill dtd. 5-5-09

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

PR# 9-0450
K# 08-164-000-3292
Date: 6-8-09
OK/Pay: OK
G.C.

THOMPSON & KERBY
P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

June 01, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Additional Charges :

		Amount
5/7/2009	Expense check # 13873 to Irion County Abstract Company for record checking in abstract office	187.69
	Total costs	$187.69
	Previous balance	$1,295.00
5/21/2009	Payment - thank you	($1,295.00)
	Total payments and adjustments	($1,295.00)
	Balance due	$187.69

RECEIVED
JUN 05 2009
GENERAL LAND OFFICE

06-08-09P02:20 RCVD

LEGAL

(20)

File No. SF-16589

Irion County

Ad litem bill dtd. 6-1-09

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

A PROFESSIONAL CORPORATION
LAWYERS
LUBBOCK, TEXAS
4219 85th Street - ZIP 79423
P. O. Box 65150 - ZIP 79464
806/793-7600
FAX 806/793-6882

GEORGE L. THOMPSON, III
Board Certified, Personal Injury Trial Law
Texas Board of Legal Specialization

DAVID L. KERBY

CAMIE C. WADE

June 3, 2009

Via First Class U.S. Mail
Mr. David Land
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

Re: Vacancy Application of Sarah E. Chapoton, GLO Scrap File No. SF 16589 (Irion County)

Dear Mr. Land:

Enclosed herein please find the List of Necessary Parties and Last Known Addresses which I have completed in the above-referenced matter. Additionally, I have enclosed my affidavit concerning my search.

Please call with any questions or concerns you may have. Thank you. I am

Yours very truly,

Camie Wade
Camie Wade

CW/
Enclosures

06-08-09P02:20 RCVD

LEGAL

RECEIVED
JUN 05 2009
GENERAL LAND OFFICE

GLO SCRAP FILE NO. SF 16589 (IRION COUNTY)

LIST OF NECESSARY PARTIES AND LAST KNOWN ADDRESSES

1. Elizabeth Simpson
   5555 Del Monte Drive, #2204
   Houston, Texas 77056

   or

   P.O. Box 639
   Comstock, Texas 78837

2. Sarah Chapoton
   18 West Kirke Street
   Chevy Chase, Maryland 20815

3. Ruth Flournoy
   6014 Deerwood
   Houston, Texas 77056

4. Mary King
   5401 Lynbrook Drive
   Houston, Texas 77056

5. C. Stacey Eastham, Jr.
   1530 Mathews Street
   Fort Collins, Colorado 80524

6. Rue Ziegler
   729 Sequoia Valley Road
   Mill Valley, California 94941

7. Stanley Wright, as Bankruptcy Trustee for Genevieve Davis
   c/o Thomas Wheeler
   274 Chestnut Street
   P.O. Box 3736
   Abilene, Texas 79604

8. Maria Brewer
   Winterbotham Estate and Trust Offices
   515 Post Oak Boulevard, Suite 715
   Houston, Texas 77027

9. John Winterbotham, III

8640 Guilford Road, Suite 344
Columbia, Maryland 21046

10. Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

11. DC Minerals, Inc.
P.O. Box 639
Comstock, Texas 78837

12. Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

13. Peter Evans Pratt & Anne W. Pratt, as Trustees of Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

14. Dixie Mayfield
P.O. Box 1666
Palestine, Texas 75802

15. Bob Prukop
P.O. Box 2974
Corpus Christi, Texas 78403

16. JDMI, L.L.C.
P.O. Box 1520
Palestine, Texas 75802

17. Kelli Armstrong
P.O. Box 1073
Palestine, Texas 75802

18. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

19. First National Bank of West Texas, as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

20. Irve Ellis
13327 Oak Ledge Drive

Houston, Texas 77065

or

11001 Crescent Moon Drive
Houston, Texas 77064

21. Wilburn and Mary Williams
P.O. Box 1059
Mertzon, Texas 76941

22. Angelo Community Health Fund
P.O. Box 5581
San Angelo, Texas 76902

or

3501 Knickerbocker Road
San Angelo, Texas 76904

23. Thomas H. Williams
P.O. Box 1059
Mertzon, Texas 76941

24. Wilburn Williams, Jr.
P.O. Box 1059
Mertzon, Texas 76941

25. Marathon Oil Company
P.O. Box 552
Midland, Texas 79702

26. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

or

4204 Fairwood Place
Midland, Texas 79707

27. Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

28. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

29. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

GLO SCRAP FILE NO. SF 16589 (IRION COUNTY)

STATE OF TEXAS §
COUNTY OF LUBBOCK §

Before me, the undersigned authority, a notary public in and for the State of Texas, came and appeared Camie Wade, who after being duly sworn, did depose and state as follows:

"I, Camie Wade, of lawful age, being duly sworn, state that I am the Appointed Attorney Ad Litem for the above-referenced vacancy application, that I have read the statements provided below, and that the information contained therein, unless otherwise indicated, is within my personal knowledge, and is true and correct.

I hereby certify that I, in order to identify all necessary parties to this vacancy application in accordance with the requirements of the Texas Natural Resources Code, have performed a diligent search of the records of the county or counties related to the land claimed to be vacant, including tax records and deed records of such county or counties that, in my reasonable judgment, would result in the identification of necessary parties including any party with an interest in the mineral estate.

I also certify that the list of necessary parties submitted is compiled based upon the results of such diligent search; and that in my reasonable judgment, based on such diligent search, such list of necessary parties contains the names and last known address of all persons and legal entities appearing in such county records with a present legal interest in the property related to the above-referenced vacancy application."

Camie Wade
Camie Wade

SUBSCRIBED AND SWORN TO BEFORE ME this 3rd day of June, 2009.

Notary Public, State of Texas

CHRISTAL CARLISLE
Notary Public, State of Texas
My Commission Expires
May 30, 2011

(21)

File No. SF-16589

Irion County

Cover ltr. dtd 6-3-09 fm. Ad Litem

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 5, 2009

Sarah Easton Chapoton
18 West Kirke Street
Chevy Chase, MD 20815

Mail Code 101-Vacancy
Via Certified Mail,
Return Receipt Requested

Re: Supplemental Cost Deposit for Scrap File 16589, Sarah E. Chapoton, Applicant, Irion County, Texas

Dear Ms. Chapoton:

As the Applicant in the above-referenced vacancy application, you are required by law to pay the reasonably necessary costs incurred by the GLO in evaluating and investigating the application, providing required notices, engaging the services of an attorney ad litem, and conducting hearings.[1] At the GLO's request, you submitted a cost deposit of $3,000.00, which was the GLO's initial estimate of the processing costs.

Because of costs related to the extensive research required for the attorney ad litem's identification and location of necessary parties to this vacancy application, all of the funds from your initial deposit have been expended and a supplemental cost deposit in the amount of $4,500.00 is required at this time.[2] Please remit this supplemental cost deposit in the amount of $4,500.00 by check made payable to the "Texas General Land Office," and delivered or mailed to the attention of: Susan Sugarek, Asset Management Division, Mail Code 101, Texas General Land Office, 1700 N. Congress Ave., P.O. Box 12873, Austin, Texas, 78711-2873. **Please do not send cash.** The deposit must be received by the GLO not later than the thirtieth (30) day after the date of this letter. To ensure proper delivery, **please include a copy of this letter with your remittance.**

The GLO may require further deposits to complete the processing of this application, although no additional deposit is anticipated at this time.

FAILURE TO SUBMIT A SUPPLEMENTAL COST DEPOSIT AS INSTRUCTED IN THIS LETTER WILL RESULT IN THE DISMISSAL WITHOUT PREJUDICE OF YOUR VACANCY APPLICATION AND FORFEITURE OF ANY FEES PAID TO DATE.

Please contact me at (512) 463-5161 if you have any questions.

Sincerely,

David N. land

[1] TEX. NAT. RES. CODE § 51.178(a).
[2] TEX. NAT. RES. CODE § 51.177.

(12)

File No. SF-16589
Iron County
Re: Supp. Cost dep.
Date Filed: 9-13-2011
Jerry E. Patterson, Commissioner
By S. Sugarek

7003 2260 0007 0065 7665

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage $
Certified Fee
Return Reciept Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

Sent To
Sarah Easton Chapoton
Street, Apt. No. or PO Box No. 18 West Kirke Street
City, State, ZIP+4 Chevy Chase, MD 20815

PS Form 3800, August 2006

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

h Easton Chapoton
West Kirke Street
Chevy Chase, MD 20815

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Victoria Cruz ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Victoria 6/9/09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUN - 9 2009

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 7665

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Camie Wade, Attorney- at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.
YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Wade:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

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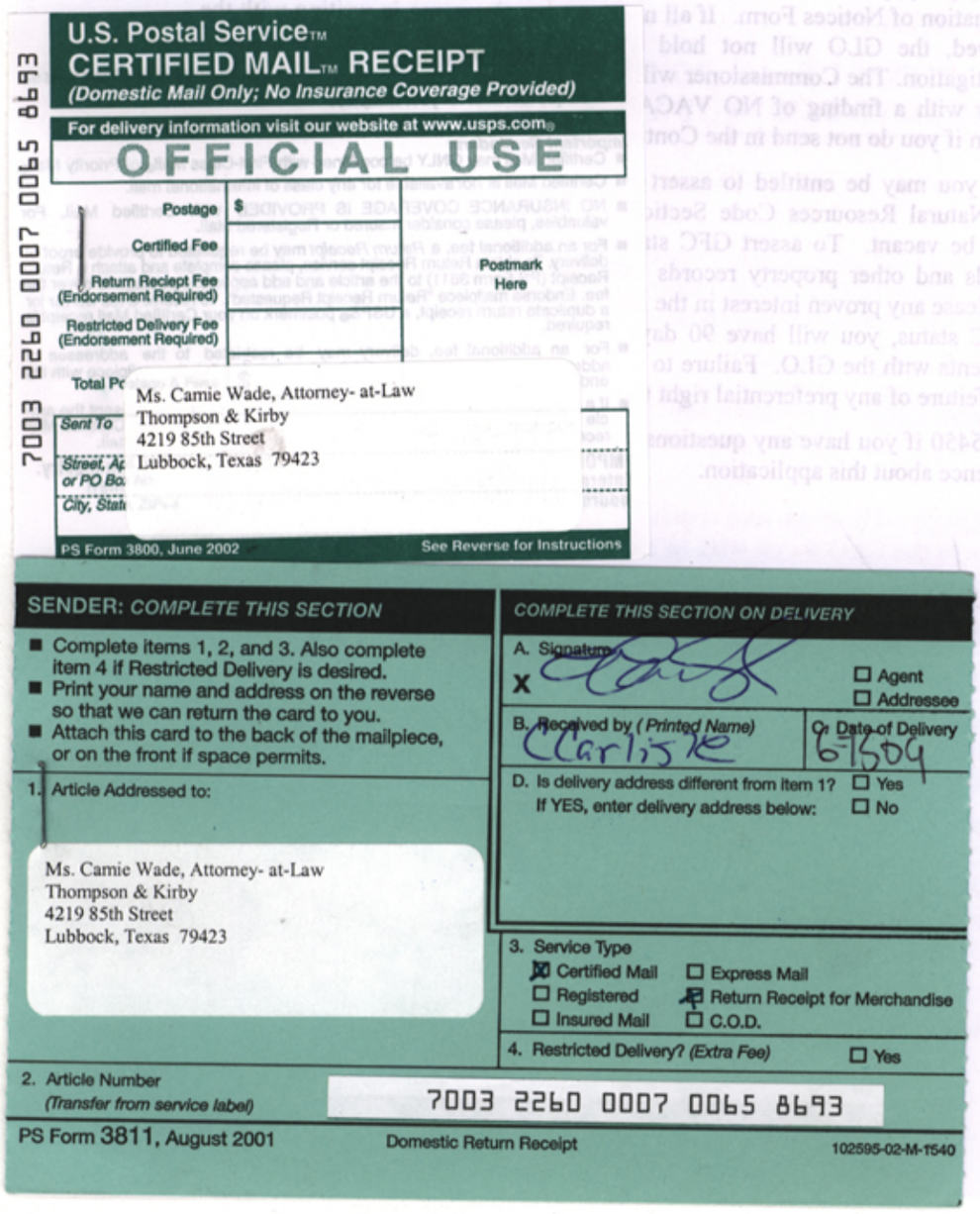
Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.



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City, Stat

Ms. Camie Wade, Attorney- at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

Ms. Camie Wade, Attorney- at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Carlisle
C. Date of Delivery 6-15-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8693

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Armstrong:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
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A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

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State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land/sf

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To: Ms. Kelli Armstrong
Street, Apt. No. or PO Box No.: P. O. Box 1073
City, State, ZIP+4: Palestine, Texas 75802

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kelli Byrd ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kelli Byrd
C. Date of Delivery 6-12-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7003 2260 0007 0065 8815

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

First National Bank of West Texas
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.
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Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
First National Bank of West Texas
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

Street, ... or PO B...

City, St...

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

First National Bank of West Texas
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Velma Hernandez ☐ Agent ☑ Addressee

B. Received by (Printed Name) Velma Hernandez C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandis
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8839

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Angelo Community Health Fund
P. O. Box 5581
San Angelo, Texas 76902

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Sir or Madam:

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land/sf

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
Angelo Community Health Fund
P. O. Box 5581
Street, A
or PO B
San Angelo, Texas 76902
City, Sta

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

Angelo Community Health Fund
P. O. Box 5581
San Angelo, Texas 76902

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jim Scarbrough ☐ Agent ☐ Addressee

B. Received by (Printed Name) JIM SCARBROUGH
C. Date of Delivery 06-15-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

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2. Article Number *(Transfer from service label)* 7003 2260 0007 0065 8884

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Ellis:

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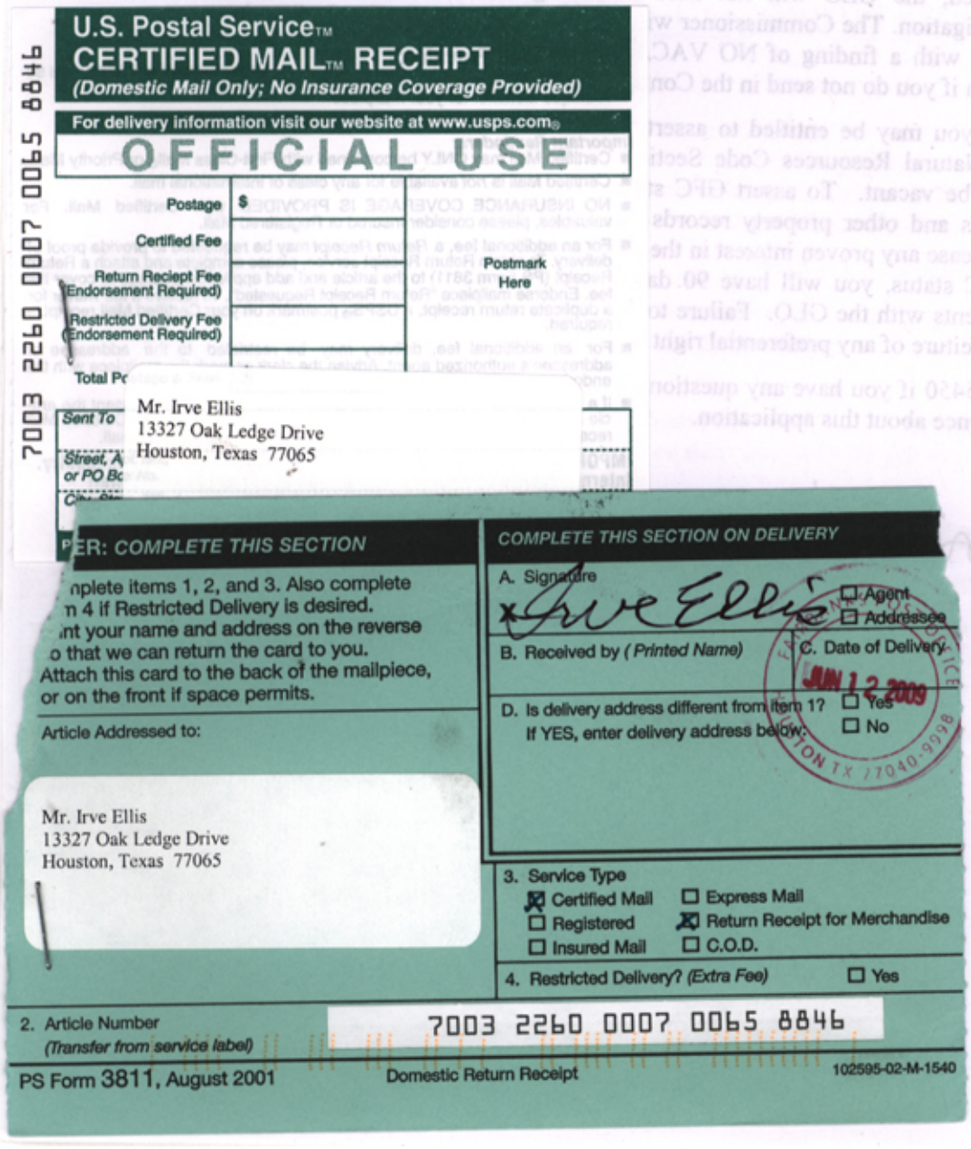
Sincerely,

David Land

David Land
Attorney-at-Law.
Legal Services Division

Enc.



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Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065
Street, A
or PO Bo

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n 4 if Restricted Delivery is desired.
nt your name and address on the reverse
o that we can return the card to you.
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or on the front if space permits.

Article Addressed to:

Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x Irve Ellis
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery
JUN 12 2009

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

HOUSTON TX 770

3. Service Type
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4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
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PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Williams:

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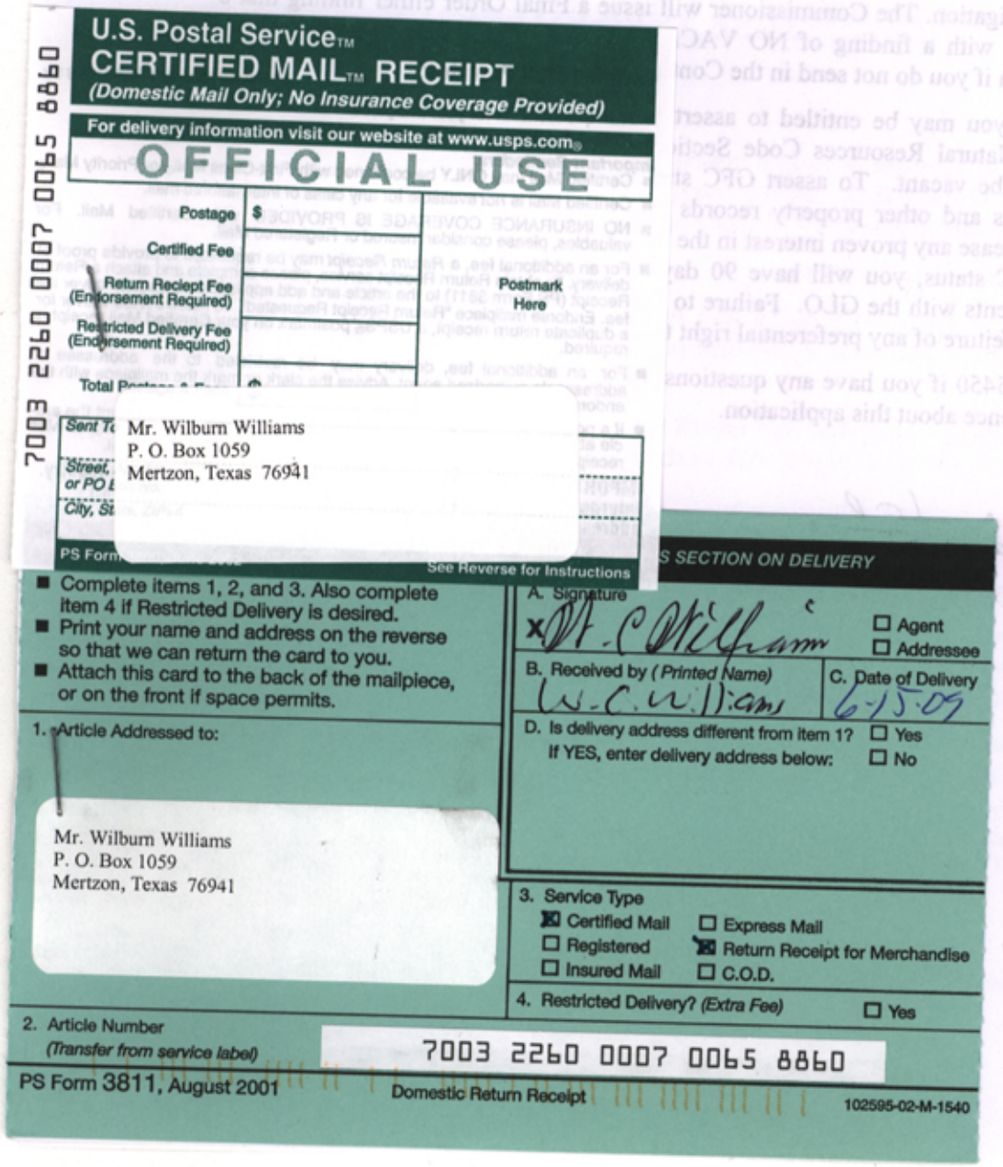
Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land
Attorney-at-Law
Legal Services Division

Enc.



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Street, Apt. No., or PO Box No.
City, State, ZIP+4

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

PS Form 3800, June 2002 See Reverse for Instructions

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

S SECTION ON DELIVERY

A. Signature
X W. C. Williams ☐ Agent ☐ Addressee

B. Received by (Printed Name) W. C. Williams
C. Date of Delivery 6-15-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 2260 0007 0065 8860

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

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Dear Ms. Anderson:

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www.glo.state.tx.us

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
Ms. Clare Anderson
Street, A
or PO Bo
7721 Curtis Street
City, Stat
Chevy Chase, Maryland 20815

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
Clare Anderson

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8976

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

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www.glo.state.tx.us

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land /sf

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1 Article Addressed to:

Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X W.C. Williams ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* W.C. Williams
C. Date of Delivery 6-15-05

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7003 2260 0007 0065 8877

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

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Sincerely,

David Land/sj

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Street or PO

City, S

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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3501 Knickerbocker Road
San Angelo, Texas 76904

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A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 6-12-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent To
Mr. Thomas H. Williams
P. O. Box 1059
Street, Ap or PO Bo
Mertzon, Texas 76941
City, Stat

PS Form 3800, June 2002 See Reverse for Instructions

SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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A. Signature
x W.C. Williams ☐ Agent ☐ Addressee

B. Received by (Printed Name) W.C. Williams
C. Date of Delivery 6-15-07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

1. Article Addressed to:

Mr. Thomas H. Williams
P. O. Box 1059
Mertzon, Texas 76941

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8907

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

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Sincerely,

David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.

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Sent T
Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941
Street, or PO
City, S

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X W. C. Williams ☐ Agent ☐ Addressee

B. Received by (Printed Name) W.C. Williams
C. Date of Delivery 6-15-09

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8914

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

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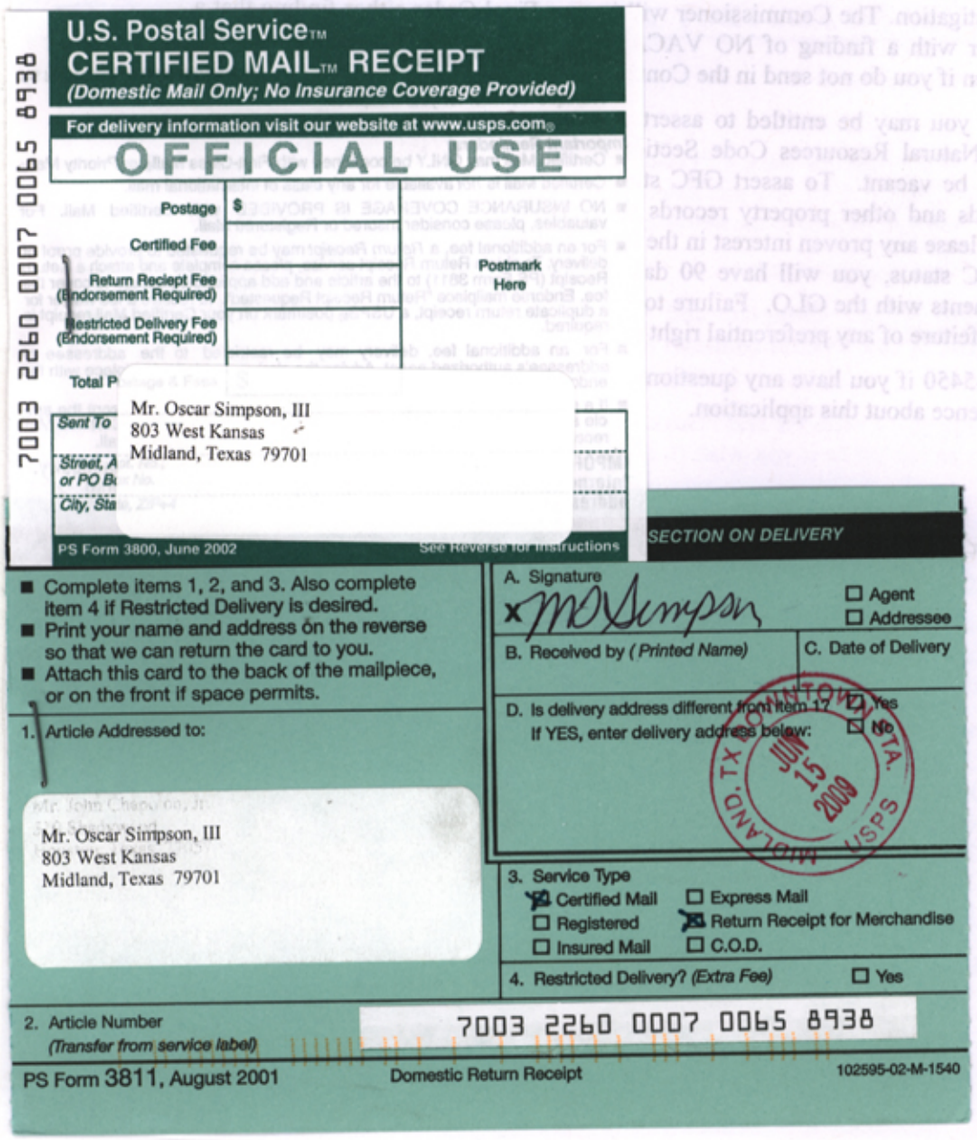
David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.



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Sent To
Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701
Street, A
or PO B
City, Sta

PS Form 3800, June 2002 See Reverse for Instructions

SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

A. Signature
x MOSimpson
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:
☑ Yes
☐ No

MIDLAND TX CONTROL DATA JUN 15 2009 USPS

3. Service Type
☑ Certified Mail
☐ Express Mail
☐ Registered
☑ Return Receipt for Merchandise
☐ Insured Mail
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)
☐ Yes

2. Article Number
(Transfer from service label)
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PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
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City, State, ZIP+4

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803 West Kansas
Midland, Texas 79701

7003 2260 0007 0065 8952

PS Form 3800, June 2002 See Reverse for Instructions

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MIDLAND DOWNTOWN STA JUN 25 2009 USPS

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☒ Certified Mail ☐ Express Mail
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(Transfer from service label) 7003 2260 0007 0065 8952

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

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If a vacancy is found to exist, you may be entitled to assert your status as a **"good-faith claimant"** ("GFC") as defined in Texas Natural Resources Code Section 51.172(2). A GFC is a person who occupies or uses land found to be vacant. To assert GFC status, you must file an affidavit (a "GFC Affidavit") and submit all deeds and other property records that support your claim. A GFC has a preferential right to purchase or lease any proven interest in the land determined to be vacant. If you wish to assert a claim based on GFC status, you will have 90 days after the Final Order to file the GFC Affidavit and supporting documents with the GLO. Failure to file a GFC Affidavit within 90 days after the Final Order will result in forfeiture of any preferential right to purchase or lease the vacant land.

Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land

David Land
Attorney-at-Law
Legal Services Division

Enc.

(23)

File No. SE-16589

Trios

Ltrs. to Nbs 4td. 6-10-09 County

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Sugarek

7003 2260 0007 0065 8969

U.S. Postal Service™
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OFFICIAL USE

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Postmark Here

Sent Mr. John Chapoton, Jr.
510 Shadywood
Street or PO Houston, Texas 77057
City, S

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Courtney Chapoton C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0007 0065 8969

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

Camie Wade, Attorney-at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

Re: GLO Scrap File No. (SF) 16589, Application Filed by Sarah E. Chapoton, To Purchase allegedly Vacant Land Located in Irion County, Texas

Dear Ms. Wade:

Enclosed please find a copy of a Certificate of Service with the names of additional Necessary Parties who were notified in the above vacancy matter. Please contact me at (512) 305-9126 if you have any questions.

Sincerely,

Cheli Cook

Cheli Cook
Legal Services Division

(24)

File No. SF-16589

Irion County

ltr. to C. Wade dtd. 6-10-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice to Necessary Parties and attachments listed therein has been sent by Certified Mail, Return Receipt Requested on this 10th day of June, 2009 to the person(s) listed below regarding SF 16589 (Irion County).

Shawn Jamail

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Mr. Stanley Wright, as Bankrupcty Trustee for Genevieve Davis
c/o Thomas Wheeler
P. O. Box 3736
Abilene, Texas 79604

Ms. Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

Mr. John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

Mr. Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

DC Minerals, Inc.
P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

Peter Evans & Anne W. Pratt, as Trustees of Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Ms. Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Mr. Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
Palestine, Texas 75802

Ms. Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

Ms. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

First National Bank of West Texas
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

Angelo Community Health Fund
P. O. Box 5581
San Angelo, Texas 76902

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

Mr. Thomas H. Williams
P. O. Box 1059
Mertzon, Texas 76941

Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

Mr. Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

Ms. Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

Mr. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

Ms. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

Camie Wade, Attorney-at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

(25)

File No. SF-16589

Irion County

Certif. of Serv. for 6-10-09 Mailout

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

From: Cheli Cook
To: Susan Sugarek
Date: 6/10/2009 8:21:39 AM
Subject: SF 16589 mailings 6-10-09 (all)

attachments: Ltr to Wade re add'l NPs; Cert of Srvc; Ltr to NP w/enclosures (am not pdfing enclosures, you already have them).

Wade ltr mail cost = 4 pieces of 8 x 11 paper, 1 ltr size envelope = .44

NP ltr mailings = 377 pieces of 8 x 11 paper, 696 pieces of 8 1/2 x 14, plats 29 - 24" x 36" paper, 29 - 10" x 15" envelopes, postage 2.41 x 29 = $69.89, certified 2.80 x 29 = $81.20, return receipt 2.30 x 29 = $66.70

Total postage: $218.23 ✓

Plat Cost - 29 plats, size = 24" x 36" ($6.00 / plat) $174.00 ✓

(26)

File No. SF-16589

Irion County

Mail-out expenses

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Ms. Ziegler:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

A **"vacancy"** is a tract of land located between two or more original surveys that has never been severed or sold out of state ownership. Even though a surrounding landowner may believe that he or she owns the land, a vacancy, if proved to exist, is state-owned property.

The GLO has the authority and responsibility to determine whether or not a claimed vacancy exists. If a vacancy exists, the Texas Land Commissioner issues a final order to that effect ("Final Order"), and the School Land Board and the GLO sells or leases the vacant land for the benefit of K-12 public education. The laws and rules governing vacancies are found in Chapter 51, Subchapter E of the Texas Natural Resources Code and Section 13.71 through 13.83 of Title 31 of the Texas Administrative Code.

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

If you object to the vacancy application or the survey, you may file an "exception" with the GLO not later than 60 days after the date of this notice. The requirements for filing an exception are found in Title 31, Texas Administrative Code, Section 13.75. If you file an exception, you must send a copy to all necessary parties who have requested continuing notification. Upon request, the GLO will provide you with a list of the names and last-known addresses of the necessary parties. If you need an extension of time, you must request it in writing not later than 10 days before the deadline as required by Title 31, Texas Administrative Code Section 13.73.

If an exception is filed or if the GLO concludes that a vacancy is likely to exist, the GLO generally must conduct a hearing. As a necessary party, you will be notified about the time and place of the hearing even if you do not send in the Continuation of Notices Form. If all necessary parties agree in writing with the GLO that the hearing is waived, the GLO will not hold a hearing and will make the vacancy determination based on its investigation. The Commissioner will issue a Final Order either finding that a vacancy exists or a Final Order with a finding of NO VACANCY. You will receive a copy of the Commissioner's Final Order even if you do not send in the Continuation of Notice Form.

If a vacancy is found to exist, you may be entitled to assert your status as a **"good-faith claimant"** ("GFC") as defined in Texas Natural Resources Code Section 51.172(2). A GFC is a person who occupies or uses land found to be vacant. To assert GFC status, you must file an affidavit (a "GFC Affidavit") and submit all deeds and other property records that support your claim. A GFC has a preferential right to purchase or lease any proven interest in the land determined to be vacant. If you wish to assert a claim based on GFC status, you will have 90 days after the Final Order to file the GFC Affidavit and supporting documents with the GLO. Failure to file a GFC Affidavit within 90 days after the Final Order will result in forfeiture of any preferential right to purchase or lease the vacant land.

Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land | SG

David Land
Attorney-at-Law
Legal Services Division

Enc.

(22)

File No. SF-16589

Irion County

Ltr. to R. Ziegler dtd. 6-10-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

Camie Wade, Attorney-at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

Re: GLO Scrap File No. (SF) 16589, Application Filed by Sarah E. Chapoton, To Purchase allegedly Vacant Land Located in Irion County, Texas

Dear Ms. Wade:

Enclosed please find a copy of a Certificate of Service with the names of additional Necessary Parties who were notified in the above vacancy matter. Please contact me at (512) 305-9126 if you have any questions.

Sincerely,

Cheli Cook

Cheli Cook
Legal Services Division

(28)

File No. SF-16589

Irion County

ltr. to C. Wade dtd. 6-10-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice to Necessary Parties and attachments listed therein has been sent by Certified Mail, Return Receipt Requested on this 10th day of June, 2009 to the person(s) listed below regarding SF 16589 (Irion County).

Shawn Jamail

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Mr. Stanley Wright, as Bankrupcty Trustee for Genevieve Davis
c/o Thomas Wheeler
P. O. Box 3736
Abilene, Texas 79604

Ms. Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

Mr. John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

Mr. Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

DC Minerals, Inc.
P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

Peter Evans & Anne W. Pratt, as Trustees of Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Ms. Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Mr. Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
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Ms. Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

Ms. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

First National Bank of West Texas
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

Angelo Community Health Fund
P. O. Box 5581
San Angelo, Texas 76902

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

Mr. Thomas H. Williams
P. O. Box 1059
Mertzon, Texas 76941

Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

Mr. Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

Ms. Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

Mr. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

Ms. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

Camie Wade, Attorney-at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

(29)

File No. SF-16589

Irion County

Certif. of Serv.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice to Necessary Parties and attachments listed therein has been sent by Certified Mail, Return Receipt Requested to the person(s) listed below regarding SF 16589 (Irion County) and returned as undeliverable.

Cheli Cook 6-8-11

Cheli Cook

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Mr. Stanley Wright, as Bankrupcty Trustee
for Genevieve Davis
c/o Thomas Wheeler
P. O. Box 3736
Abilene, Texas 79604

Ms. Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

Mr. John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

Mr. Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

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P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
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Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Ms. Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Mr. Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
Palestine, Texas 75802

Ms. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Mr. Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

June 10, 2009

VIA CERTIFIED MAIL

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

RE: NOTICE TO NECESSARY PARTIES
Concerning **GLO Scrap File No. (SF) 16589**, Application Filed by Sarah E. Chapoton,
To Purchase Allegedly Vacant Land Located in Irion County, Texas

THIS VACANCY APPLICATION SF 16589 MAY ADVERSELY AFFECT YOUR PROPERTY INTERESTS.

YOU MAY WISH TO CONSULT AN ATTORNEY EXPERIENCED IN LAND BOUNDARY ISSUES TO PROTECT YOUR INTERESTS.

Dear Mr. Ellis:

The above-captioned application to purchase or lease a **"vacancy"** (defined below) has been filed with and accepted by the General Land Office (GLO). By this letter, the GLO notifies you that you have been found to be a **"necessary party"** (defined below) to the above-captioned vacancy application.

Enclosed with this notice are the following documents:

- **Continuation of Notification Form – Complete and return this form to the GLO within 60 days of the date of this letter if you want to continue to receive notices related to this vacancy application.**
- **Good-Faith Claimant Affidavit – Complete and return the Good-Faith Claimant Affidavit and the supporting documents to the GLO if you wish to claim a preferential right to purchase or lease the vacant land**
- **SF 16589 vacancy application** – For your records.
- **SF 16589 survey report and plat** – For your records.

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Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

State law requires that the applicant, a **"good-faith claimant"** (defined below), or any person whose legal interest in the surface or mineral estate of land that may be adversely affected, including owners of adjoining property, must be notified of the filing of a vacancy application and given an opportunity to participate in the determination process. Such a person is a **"necessary party"** as defined in Texas Natural Resources Code Section 51.172(4). As a necessary party, you can request to receive notices about the vacancy determination process by sending the Continuation of Notice Form to the GLO.

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Please contact me at (512) 463-5450 if you have any questions. Please include the scrap file number **SF 16589** on any future correspondence about this application.

Sincerely,

David Land /sg

David Land
Attorney-at-Law
Legal Services Division

Enc.

(30)
File No. SE-165899
Irion County
Certif. of Serv. -undeliv.
Date Filed: 9-13-11
Jerry E. Patterson, Commissioner
By S. Sugarek

7003 2260 0007 0065 8853

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total P	

Postmark Here

Sent To Mr. Irve Ellis
Street, Apt. No. or PO Box No. 11001 Crescent Moon Drive
City, State, ZIP+4 Houston, Texas 77064-

PS Form 3800, June 2002 See Reverse for Instructions

THOMPSON & KERBY

A PROFESSIONAL CORPORATION
LAWYERS
LUBBOCK, TEXAS
4219 85th Street - ZIP 79423
P. O. Box 65150 - ZIP 79464
806/793-7600
FAX 806/793-6882

GEORGE L. THOMPSON, III
Board Certified, Personal Injury Trial Law
Texas Board of Legal Specialization

DAVID L. KERBY

CAMIE C. WADE

June 15, 2009

Via First Class U.S. Mail
Mr. David Land
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873

Re: Vacancy Application of Sarah E. Chapoton, GLO Scrap File No. SF 16589 (Irion County)

Dear Mr. Land:

Per correspondence from Shawn Jamail in the above-referenced matter, enclosed herein please find my amended affidavit concerning my search for necessary parties.

Please call with any questions or concerns you may have. Thank you. I am

Yours very truly,

Camie Wade

Camie Wade

CW/
Enclosure

GLO SCRAP FILE NO. SF 16589 (IRION COUNTY)

STATE OF TEXAS §
COUNTY OF LUBBOCK §

Before me, the undersigned authority, a notary public in and for the State of Texas, came and appeared Camie Wade, who after being duly sworn, did depose and state as follows:

"I, Camie Wade, of lawful age, being duly sworn, state that I am a licensed attorney employed by the law firm of Thompson & Kerby, the firm appointed as Attorney Ad Litem for the above-referenced vacancy application, that I have read the statements provided below, and that the information contained therein, unless otherwise indicated, is within my personal knowledge, and is true and correct.

I hereby certify that I, in order to identify all necessary parties to this vacancy application in accordance with the requirements of the Texas Natural Resources Code, have performed a diligent search of the records of the county or counties related to the land claimed to be vacant, including tax records and deed records of such county or counties that, in my reasonable judgment, would result in the identification of necessary parties including any party with an interest in the mineral estate.

I also certify that the list of necessary parties submitted is compiled based upon the results of such diligent search; and that in my reasonable judgment, based on such diligent search, such list of necessary parties contains the names and last known address of all persons and legal entities appearing in such county records with a present legal interest in the property related to the above-referenced vacancy application."

Camie Wade

Camie Wade

SUBSCRIBED AND SWORN TO BEFORE ME this 15 day of June, 2009.

Notary Public, State of Texas

CHRISTAL CARLISLE
Notary Public, State of Texas
My Commission Expires
May 30, 2011

(31)

File No. SF16589

Irion County

Cov. Ltr. + Affid. fm. Cami Wade

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Segard

$ REMITTANCE DISTRIBUTION - DO NOT FILE $

Name	Remittance Description					Fiscal Year	Register Number	Amount
	Refer	Type	Mo	Day	Year			
CHAPOTON S E (S)	101	C	07	01	2009	2009	016179	4,500.00

File Number	GLA	Amount	File Number	GLA	Amount
SF-16589		$4,500.00	Supplemental Cost Deposit		

CASH/MM00002

7/2/09

(32)

File No. SF-16589

Irion County

Proof-Supp Cost depreed.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY
P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 9-0450
K# 08-169-000-3292
Date: 7/6/09
OK / Pay:
G.C.

RECEIVED
JUL 06 2009
ACCOUNTS PAYABLE

July 01, 2009

Mr. David Land
Texas General Land Office
1700 North Congress Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
6/1/2009	CW	Travel to Mertzon; research deed and tax records	10.50 185.00/hr	1,942.50
6/2/2009	CW	Research deed records; travel back to Lubbock	8.00 185.00/hr	1,480.00
6/3/2009	CW	List of necessary parties and last known addresses; affidavit; letter to GLO enclosing the same	0.75 185.00/hr	138.75
6/15/2009	CW	Receipt and review of certificate of service on necessary parties; receipt and review of notices to additional necessary parties and correspondence with the same; receipt and review of additional survey map	0.50 185.00/hr	92.50
	CW	Receipt and review of email from Shawn Jamail re: affidavit; draft and execute new affidavit; correspondence to GLO with new affidavit	0.30 185.00/hr	55.50
		For professional services rendered	20.05	$3,709.25
		Previous balance		$187.69
6/23/2009		Expense Payment - thank you		($187.69)
		Total payments and adjustments		($187.69)
		Balance due		$3,709.25

(33)

File No. SF-16589

Irion County

7109 Ad litem bill

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0362
K# 08-169-000-3292
Date: 9/8/09
OK / Pay: 91
G.C. WW

September 01, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
8/14/2009	CW	Correspondence with David Land re: hearing date	0.20 185.00/hr	37.00
		For professional services rendered	0.20	$37.00
		Previous balance		$3,709.25
8/4/2009		Payment - thank you		($3,709.25)
		Total payments and adjustments		($3,709.25)
		Balance due		$37.00

(34)

File No. SF-16589

Irion County

91-09 Ad Valorem Tax

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Hearing set for November 10, 2009, was sent by first class mail to the person(s) listed below regarding SF 16589 (Irion County) and returned as undeliverable.

Cheli Cook 6-9-11

Cheli Cook

C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

DC Minerals, Inc.
P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

Peter Evans & Anne W. Pratt, as Trustees of
Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
Palestine, Texas 75802

Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

Docket No. GLOAH-VAC-SF16589-009-02

NOTICE OF HEARING

Date of Notice: October 9, 2009

IN RE: APPLICATION TO PURCHASE VACANT LAND
VACANCY APPLICATION SF-16589
CHAPOTON, APPLICANT
(IRION COUNTY, TEXAS)

Pursuant to the requirements of §§ 2001.051-052 of the Administrative Procedure Act (Title 10, Subtitle A, Chapter 2001 of the Texas Government Code), the General Land Office provides the following notice of hearing.

DATE: **Tuesday, November 10, 2009**

TIME: **Start Time: 1:00 p.m.**

LOCATION: **Texas General Land Office**
Stephen F. Austin State Office Bldg.
1700 N. Congress Avenue
Austin, Texas 78701
Large Conference Room, 9th Floor, Suite 940A

PURPOSE OF HEARING

The applicant believes the property described in the application, which property was thereafter surveyed pursuant to the provisions of §51.184 of the Texas Natural Resources Code (TNRC), and located in Irion County, Texas, is unsurveyed public school land (referred to as a "vacancy"), which the applicant has applied to purchase.

The purpose of the hearing, which is held pursuant to the provisions of §51.187 of TNRC, is to determine whether or not the claimed vacancy exists. A three-member panel of Texas General Land Office staff will hear evidentiary testimony regarding the validity of the applicant's claim. The panel will present their findings and conclusions to the Commissioner of the Texas General Land Office who will issue a decision thereafter pursuant to the provisions of §51.188 of TNRC.

PROCEDURAL RULES

The hearing for which this notice is issued is required by Section 51.187 of the Texas Natural Resources Code. Procedural rules for the hearing can be found in Title 31 Texas Administrative Code, Sections 13.79 - 13.81 & Chap. 2, Rules of Practice and Procedure. You need to consult the procedural rules if you plan to appear in person or to file documents at the hearing. These administrative provisions can be viewed online at the Texas Secretary of State's website at the following link:

http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=31&pt=1

TELEPHONIC APPEARANCE

Within 10 days of the receipt of this notice, an interested party may request to participate in the hearing by telephone by sending a written request by mail, e-mail, fax or hand-delivery addressed to the following person:

David Land
Legal Services Division
Texas General Land Office
1700 N. Congress Ave.
P.O. 12873
Austin, TX 78711-2873
David.Land@glo.state.tx.us
Phone: (512) 463-5450
Fax: (512) 463-6311

The written request shall refer to **Docket No. GLOAH-VAC-SF16589-009-002** and include a statement that the person filing the request will be the same person who will appear by telephone at the hearing. A person filing a request to participate by telephone will receive a written confirmation from this office with the call-in information for the hearing.

Note: Any person testifying under oath, as a witness must appear in person.

AUTHORITY AND JURISDICTION

The legal authority and jurisdiction under which the hearing is held are as follows:

- Chapter 51, Subchapter E (Sale and Lease of Vacancies), Texas Natural Resources Code, Section 51.171, *et seq.* (Vernon 2001 & Supp. 2008).
- Chapter 2001, Subtitle A (Administrative Procedure and Practice), Texas Government Code, Section 2001.001, *et seq.* (Vernon 2008).
- Rules of the General Land Office on Practice and Procedure, Title 31 Texas Administrative Code, Chapter 2, Subchapter A, §§ 2.01-2.28.
- Rules of the General Land Office on Application to Purchase or Lease Vacant and Unsurveyed Public School Land, Title 31, Texas Administrative Code, Chapter 13, Subchapter F, §§ 13.71-13.86.

(35)

File No. SF-16589

Irion County

Certif. of Serv. - Notice of Hrg.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

Date: **October 9, 2009**

To: Commissioner Patterson

Through Matt Chaplin
LaNell Aston
Bill Warnick
Larry Laine

From: David Land
Legal Services Division

Subject: **Vacancy Hearing Order** for a Vacancy Application, Irion County, File No. SF 16589 (Chapoton)

SUMMARY: Sarah E. Chapoton filed Vacancy Application (Application) SF 16589 on November 7, 2008 alleging a vacancy exists in Irion County, Texas. A Final Order of "Not Vacant Land" has not been issued. Under Tex. Nat. Res. Code Ann. § 51.187 (Vernon 2001), you are required to order a hearing to determine the existence of the alleged vacancy if there has not been a final order with a finding of "Not Vacant Land" issued on or before the one-year anniversary of the application's commencement date.

DETAILS: The Texas General Land Office (GLO) staff has processed an application for a vacancy determination in the referenced matter. The commencement date of this application was February 20, 2009. Under Tex. Nat. Res. Code Ann. § 51.187 (Vernon 2001 & Supp. 2006), you are required to order a hearing to determine the existence of the alleged vacancy if all necessary parties do not waive the hearing. Based on the number of necessary parties and landowners adjacent to the alleged vacancy, a waiver of hearing was not sought. Therefore, a hearing is required to be held.

Recommendations: Staff recommends that you order a hearing to determine whether a vacancy exists under SF 16589. Staff recommends you sign the attached ORDER FOR HEARING.

Attachments: ORDER FOR HEARING on Vacancy Application No. SF-16589.
Copy of NOTICE OF HEARING on Vacancy Application No. SF-16589

(36)

File No. SF-16589

Irion County

Memo re: VAC. Hrg. Order

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

IN RE: **APPLICATION TO PURCHASE VACANT LAND**
VACANCY APPLICATION SF-16589
CHAPOTON, APPLICANT
(IRION COUNTY, TEXAS)

VACANCY HEARING ORDER

I, Jerry E. Patterson, Commissioner of the Texas General Land Office, under the authority of Section 51.187(a) of the Texas Natural Resources Code, do hereby order a hearing to be held in the proceeding regarding Vacancy Application SF-16589, filed by Sarah E. Chapoton, Applicant, to determine whether the alleged vacancy described therein exists in Irion County, Texas.

In compliance with Section 51.187(a)(1), Texas Natural Resources Code, this hearing shall be held not later than the sixtieth (60th) day after the date this hearing is ordered.

Jerry E. Patterson

JERRY E. PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

Date: 10/9/09

(37)

File No. SF-16589

Irion County

VAC. Hrg. Order signed 10-9-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Hearing has been sent by first class mail on this 12th day of October, 2009 to the person(s) listed below regarding SF 16589 (Irion County).

Cheli Cook

Cheli Cook

Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

Elizabeth E. Simpson
5555 Del Monte Drive, #2204
Houston, Texas 78837

C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

Camie Wade, Attorney- at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Stanley Wright, as Bankrupcty Trustee for
Genevieve Davis
c/o Thomas Wheeler
P. O. Box 3736
Abilene, Texas 79604

Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

DC Minerals, Inc.
P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

Peter Evans & Anne W. Pratt, as Trustees of
Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
Palestine, Texas 75802

Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

First National Bank of West Texas,
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

Angelo Community Health Fund
P. O. Box 5581
San Angelo, Texas 76902

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

Thomas H. Williams
P. O. Box 1059
Mertzon, Texas 76941

Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

Frank Rose, Attorney
Smith, Rose & Finley
P. O. Box 2540
San Angelo, Texas 76902

Docket No. GLOAH-VAC-SF16589-009-02

NOTICE OF HEARING

Date of Notice: October 9, 2009

IN RE: APPLICATION TO PURCHASE VACANT LAND
VACANCY APPLICATION SF-16589
CHAPOTON, APPLICANT
(IRION COUNTY, TEXAS)

Pursuant to the requirements of §§ 2001.051-052 of the Administrative Procedure Act (Title 10, Subtitle A, Chapter 2001 of the Texas Government Code), the General Land Office provides the following notice of hearing.

DATE: **Tuesday, November 10, 2009**

TIME: **Start Time: 1:00 p.m.**

LOCATION: **Texas General Land Office**
Stephen F. Austin State Office Bldg.
1700 N. Congress Avenue
Austin, Texas 78701
Large Conference Room, 9th Floor, Suite 940A

PURPOSE OF HEARING

The applicant believes the property described in the application, which property was thereafter surveyed pursuant to the provisions of §51.184 of the Texas Natural Resources Code (TNRC), and located in Irion County, Texas, is unsurveyed public school land (referred to as a "vacancy"), which the applicant has applied to purchase.

The purpose of the hearing, which is held pursuant to the provisions of §51.187 of TNRC, is to determine whether or not the claimed vacancy exists. A three-member panel of Texas General Land Office staff will hear evidentiary testimony regarding the validity of the applicant's claim. The panel will present their findings and conclusions to the Commissioner of the Texas General Land Office who will issue a decision thereafter pursuant to the provisions of §51.188 of TNRC.

PROCEDURAL RULES

The hearing for which this notice is issued is required by Section 51.187 of the Texas Natural Resources Code. Procedural rules for the hearing can be found in Title 31 Texas Administrative Code, Sections 13.79 - 13.81 & Chap. 2, Rules of Practice and Procedure. You need to consult the procedural rules if you plan to appear in person or to file documents at the hearing. These administrative provisions can be viewed online at the Texas Secretary of State's website at the following link:

http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=31&pt=1

TELEPHONIC APPEARANCE

Within 10 days of the receipt of this notice, an interested party may request to participate in the hearing by telephone by sending a written request by mail, e-mail, fax or hand-delivery addressed to the following person:

David Land
Legal Services Division
Texas General Land Office
1700 N. Congress Ave.
P.O. 12873
Austin, TX 78711-2873
David.Land@glo.state.tx.us
Phone: (512) 463-5450
Fax: (512) 463-6311

The written request shall refer to **Docket No. GLOAH-VAC-SF16589-009-002** and include a statement that the person filing the request will be the same person who will appear by telephone at the hearing. A person filing a request to participate by telephone will receive a written confirmation from this office with the call-in information for the hearing.

Note: Any person testifying under oath, as a witness must appear in person.

AUTHORITY AND JURISDICTION

The legal authority and jurisdiction under which the hearing is held are as follows:

- Chapter 51, Subchapter E (Sale and Lease of Vacancies), Texas Natural Resources Code, Section 51.171, *et seq.* (Vernon 2001 & Supp. 2008).
- Chapter 2001, Subtitle A (Administrative Procedure and Practice), Texas Government Code, Section 2001.001, *et seq.* (Vernon 2008).
- Rules of the General Land Office on Practice and Procedure, Title 31 Texas Administrative Code, Chapter 2, Subchapter A, §§ 2.01-2.28.
- Rules of the General Land Office on Application to Purchase or Lease Vacant and Unsurveyed Public School Land, Title 31, Texas Administrative Code, Chapter 13, Subchapter F, §§ 13.71-13.86.

(38)

File No. SF-16589

Irion County

Certif. of Service (10-12-09)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

From: Cheli Cook
To: Susan Sugarek
Date: 10/12/2009 7:59 AM
Subject: Notice of Hearing mailed 10/12/09 for Irion county SF 16589

36 8 1/2 x 11 paper x 3 = 108

36 envelopes

postage .44 x 36 = $15.84

(39)

File No. SF-16589

Irion County

Notice of Hrg. (Postage expense)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0362
K# 08-169-600-3292
Date: 11-6-09
OK/Pay:
G.C.

November 02, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
10/7/2009	CW	Receipt and review of email from David Land re: scheduling hearing; telephone call with David; email to David with availability	0.45 185.00/hr	83.25
10/19/2009	CW	Receipt and review of email from David Land re: address for Angelo Community Health Fund; telephone call to David re: adresses	0.25 185.00/hr	46.25
	CW	Travel arrangements	0.25 185.00/hr	46.25
		For professional services rendered	0:57:00	$175.75
		Previous balance		$37.00
9/24/2009		Payment - thank you		($37.00)
		Total payments and adjustments		($37.00)
		Balance due		$175.75

(40)

File No. SF-16589

Irion County

Ad Valorem Tax Ltd dtd. 11-2-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: **November 6, 2009**

TO: Stacey Steinbach, Billy Mullens, and David Pyle, Vacancy Hearing Officers for November 12 Vacancy Hearing

FROM: David Land

SUBJECT: Hearing for GLO Scrap File No. 16589 (Irion County); Sarah Chapoton – Applicant.

On November 7, 2008, an application was filed by Sarah E. Chapoton to purchase the surface estate to 12.77 acres out of a total tract of 13.56 acres alleged to be unsurveyed public school land pursuant to TNRC § 51.171, *et.seq*. The alleged vacancy is located in Irion County, Texas, approximately six miles southeast of Merzon, Texas.

Accompanying the vacancy application, the applicant provided a survey report prepared by Thomas Houston of Wilson Land Surveying, Inc. as well as field notes and a working sketch showing the surrounding surveys and a plat of the alleged vacancy. Bill O'Hara of the GLO has reviewed the application and has reported that he believes that a vacancy exists.

Camie Wade of Thompson and Kirby was appointed as the *attorney ad litem* to represent the interests of any unlocated necessary parties. Ms. Wade, in investigating the matter has identified a number of necessary parties (listed on the certificate of service attached to the notice of vacancy hearing, Exhibit 6). All identified necessary parties have been notified of the vacancy application pursuant to TNRC § 51.181. The GLO did not receive any exceptions to the vacancy application from any of the necessary parties within the sixty-day timeframe set forth in TNRC § 51.182.

The alleged vacancy is a narrow stretch of land running south to north for a distance of approximately 5,532 varas in length and lying between the Gonzales County School Land Survey and the O.B. Robertson Survey to the west, the G.C. & S.F. RR Surveys Nos. 1 and 30 to the east, the G.C. & S.F. R.R. Survey #27 to the north, and the G.C. & S.F. R.R. Survey #2 to the south.

The seniority of applicable surrounding surveys as shown on Houston's Working Sketch (Exhibit 8) is as follows:

1. F. Willig #712, surveyed 7/2/1856 (J.S. McDonald – surveyor);
2. J.H. Weisheit #782, 5/20/1859 (William Friedrich);
3. H & T.C. R.R. Co. #41, 1/13/1873 (Doyle),

H & T.C. R.R. Co. #42, 1/13/1873 (Doyle);
4. Gonzales County School Land, 1874 (J.H. Dickens);
5. G.C. & S.F. R.R. #1, 3/23/1878 (Foote),
   G.C. & S.F. R.R. #2, 3/23/1878 (Foote),
   G.C. & S.F. R.R. #3, 3/23/1878 (Foote),
   G.C. & S.F. R.R. #27, 3/23/1878 (Foote),
   G.C. & S.F. R.R. #29, 3/23/1878 (Foote),
   G.C. & S.F. R.R. #30, 3/23/1878 (Foote);
6. O.B. Robertson, 3/20/1907 (J.E. Beavers).

It is well established in Texas surveying law that a senior survey (first in time) will take priority over any subsequent junior surveys. Therefore, the calls and monuments from the most senior surveys are to be utilized whenever possible in subsequent surveys. The exception to the general rule is that "when the original surveyor's marks can no longer be found [assuming marks of some nature ever existed], the calls and recitals in a junior survey" may be used instead. *TH Investments, 218 S.W.3d at 205 (emphasis added)*. In the present matter, according to Houston, the boundaries of the two most senior surveys, the F. Willig Survey #712 and the J.H. Weisheit Survey #782 (from the 1850s), are easily identifiable as their corner monuments have been located and perpetuated by others.

According to Houston, the eastern boundaries of the Gonzales School Fund Land (to the west of the alleged vacancy) are clearly monumented by both Beavers and Goodfellow and can be accurately tied back to the F. Willig Survey #712, the most senior survey in the area. Therefore, according to Houston, the eastern boundary of the Gonzales School Fund Land is correct. However, in analyzing the existing surveys in the surrounding areas, Houston has determined that, in his 1878 survey, Foote erred in determining the western boundaries of the G.C. & S.F. R.R. survey numbers 1 and 30.

Houston states that Foote did not appear to understand the correct relationship between the J.H. Weisheit #782 survey to the east and the Gonzales County School Land Survey to the west of the G.C. & S.F. R.R. Co. number 1 and number 30 surveys. Foote apparently set corners, made witnesses and called the number 1 and 30 surveys to adjoin the Gonzales School Fund Land, but incorrectly placed monuments that did not reflect the accurate western line of the number 1 and number 30 surveys. Houston concludes that the number 1 and 30 surveys do not actually adjoin the Gonzales School Fund Land, which has resulted in the alleged vacancy.

Subsequent surveyors found the corners and witnesses established by Foote and have relied on them as correct. However, Houston notes that, in 1936, a subsequent survey by J.J. Goodfellow apparently discovered the gap between the G.C. & S.F. R.R. survey numbers 1 and 30 and the Gonzales School Fund Land survey, which was also noted on Goodfellow's 1936 plat.

Beginning in 1992 and ending in 1998, Mr. Houston, under the employ of the Applicant, analyzed the surrounding surveys and conducted field surveys, resulting in the discovery of the alleged vacancy on part of the property that the Applicant currently has under fence.

The purpose of this hearing will be for the hearing panel to determine, based on the evidence presented at the hearing, whether a vacancy exists as alleged by the Applicant and to make a recommendation to the Commissioner regarding the issuance of a final order pursuant to TNRC § 51.188.

(41)

File No. SF-16589

Irion County

Memo to VAC. Hrg. Officers

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Ken Owen & Associates, L.P.
Certified Court Reporters

VACANCY HEARING

CONDUCTED BEFORE THE

PANEL OF THE TEXAS GENERAL LAND OFFICE

SCRAP FILE NO. 16589

APPLICANT: SARAH E. CHAPOTON

****

TRANSCRIPT OF PROCEEDINGS

NOVEMBER 10, 2009

****

BE IT REMEMBERED that on this, the 10th day of November, between the hours of 1:02 p.m. and 2:00 p.m., the above-entitled matter came for hearing before the Panel of the Texas General Land Office, Stephen F. Austin Building, Room 940A, 1700 North Congress, Austin, Texas, and the following proceedings were reported by Jamie Foley, CSR, in and for the State of Texas, reported by machine shorthand.

ORIGINAL

801 West Avenue
Austin, Texas 78701
512.472.0880 • 800.829.6936
ken@kenowen.com • www.kenowen.com
"Serving lawyers for over 50 years"

01-15-10 P12:39 OUT
LEGAL

A P P E A R A N C E S

MEMBERS OF THE PANEL:

Ms. Stacey Steinbach (Chief Hearing Officer)
Mr. David Pyle
Mr. Billy Mullens

FOR THE GENERAL LAND OFFICE:

Mr. David Land
Mr. Bill O'Hara
1700 North Congress Avenue
Austin, Texas 78701-1495
(512) 472-6030

ATTORNEY AD LITEM:
Ms. Camie Wade

APPEARING BY TELEPHONE:

Mr. Thomas Houston

* * *

P R O C E E D I N G S

MS. STEINBACH: Good afternoon everyone. I'm going to go ahead and read kind of a script, here, to get us started and then we'll go into opening statements.

This is the hearing held pursuant to Section 51.187 of the Texas Natural Resources Code. The purpose is to determine whether a vacancy exists as alleged in the application filed by Sarah E. Chapoton, Scrap File No. 16589. The alleged vacancy consists of 13.56 acres located in the Marion County, Texas, about six miles southeast of Mertzon, Texas.

I'm the Chief Hearing Officer, Stacey Steinbach. I'm an attorney with the Legal Services Division of the General Land Office. I am joined by Billy Mullens, also an attorney with the Legal Services Division and David Pyle, a licensed state land surveyor with the surveying division of the GLO.

This hearing is being conducted as a contested-case hearing in compliance with the Administrative Procedures Act, Section 2001 of the Government Code, as required by Section 51.1872 of the Texas Natural Resources Code. Although the rules of evidence do apply and I will make rulings on things of evidentiary matters as necessary, this proceeding will be informal in many respects. You may approach the table without permission.

Witnesses will be sworn and are subject to questioning and cross-examination by representatives of the applicant and any necessary parties --the GLO or the attorney ad litem. The hearing panel may also ask questions of the witnesses. Witnesses must testify only concerning matters in which they have personal knowledge. Other than the surveyors or other parties qualified as experts, witnesses should refrain from expressing their opinions. Attorneys representing the parties may testify concerning matters of which they have personal knowledge.

We are interested in hearing the substance of what the witnesses have to say; therefore, leading questions will be allowed as long as they are made for the purposes of eliciting factual information. The GLO has engaged an attorney ad litem to assist in identifying and locating any necessary parties as provided in Section 51.180 of the Texas Natural Resources Code.

Based on the information provided by the attorney ad litem, the GLO has notified all necessary parties of this hearing in accordance with Section 51.181 of the Texas Natural Resources Code. The Commissioner may take an additional 30 days to issue a final order beyond the timeline set forth in the Vacancy Statute.

Camie Wade is here. She is the attorney ad litem to represent the interests of the unidentified necessary

parties today. The GLO is represented by David Land. We anticipate hearing witness testimony from two parties today: Tomas Houston, who is a registered state land surveyor, who was originally retained by Ms. Chapoton and who provided certain materials which are part of the GLO scrap file. Mr. Houston will appear via telephone conference, pursuant to Texas Administrative Code Section 2.17.

Are you here Mr. Houston?

MR. HOUSTON: Yes, ma'am.

MS. STEINBACH: Okay, good.

You will also hear testimony from Bill O'Hara, a licensed state land surveyor and Director of GLO Surveying Division.

The panel has taken judicial notice that both Mr. Houston and Mr. O'Hara are licensed state land surveyors and as such, are qualified to testify about surveying matters.

Are there any other parties present today who wish to testify in regards to this vacancy -- alleged vacancy? Excuse me.

At this time, I want to swear in all possible witnesses. Please stand and raise your right hand.

MR. O'HARA: Is Tom standing?

MS. STEINBACH: Are you standing, My Houston?

MR. HOUSTON: Yes, ma'am.

(Witnesses sworn by the Chief Hearing Officer)

MS. STEINBACH: Thank you. Y'all may be seated.

At this time, the attorneys may make Opening Statements if they so choose. I'll let y'all -- Ms. Wade or Mr. Land decide who wants to go first.

Would you like to make an opening statement?

MS. WADE: No.

MS. STEINBACH: Okay.

OPENING STATEMENT

BY MR. LAND:

Good afternoon, panel. My name is David Land. I'm an attorney with the Texas General Land Office with the Coastal Division, and I'm here today representing the General Land Office in a vacancy proceeding Scrap File No. SF 16589 which is located in Marion County, Texas. The applicant is Sarah. E Chapoton.

The alleged vacancy is a thin parcel of land; is approximately 4,960 varas long and I guess what would be best described as an upsidedown triangle. This alleged vacancy is located between the Gonzales County School lands and O.B. Robertson Survey No. 1 on the east -- or excuse me, the west boundary of the alleged vacancy on the east boundary of the alleged vacancy is located the GC and SF Railroad Survey No. 30 and GC and SF Railroad Company Survey No. 1.

On the south end of the alleged vacancy is located the GC and SF Railroad Company Survey No. 2, and to the

north is the GC and SF Railroad County, GC and SF Railroad Company Survey No. 27.

This application was originally filed by the applicant on November 7th of 2008 by Ms. Chapoton and she has alleged that a vacancy exists and has filed an application to purchase the alleged unsurveyed public school fund land.

The alleged vacancy is located at Marion County and accompanying the vacancy application, the applicant filed a survey report, field notes of the alleged vacancy, a survey of the alleged vacancy area as well as a working sketch of the surrounding surveys of the area and also a survey from 1936 from a Mr. Goodfellow.

That's all I have for an introductory statement.

MS. STEINBACH: Would you like to go ahead and call your first witness.

MR. LAND: I know for the record Mr. Houston --who is apparently ill today-- will not be able to attend the hearing as you mentioned. He is attending through a telephone conference; therefore, I thought it would be probably easier for the panel to initially have our land surveyor here at the GLO, Mr. Bill O'Hara review the field notes and the sketch surveys for the panel and then we could have Mr. Houston answer any questions or fill in any gaps as they may be presented, so I'd like to call Bill O'Hara.

MS. STEINBACH: That would be fine and I want to correct --for the record-- that Mr. Houston is a licensed state land surveyor. I think I may have inadvertently said registered and I apologize, profusely.

EXAMINATION

THE WITNESS: I'm Bill O'Hara, the Director of Surveying Division At the General Land Office.

MR. LAND: Thank you, Mr. O'Hara.

Q. (BY MR. LAND) For the record, have you had an opportunity to review all of the materials filed with the vacancy application?

A. Yes, I have.

Q. Now, I'd like to start, if I could, with the actual working sketch -- excuse me. If I can approach or rotate our survey here.

MR. LAND: At this time, I would ask to offer what's labelled: Working sketch prepared from GLO data Marion County, Texas. If we can have that marked as GLO Exhibit No. 1.

(GLO Exhibit No. 1 marked)

Q. (BY MR. LAND) Now, Mr. O'Hara, if you could, I'd like to start with going through the priority or the seniority of surveys which are located immediately surrounding the alleged vacancy. My understanding is the most senior survey was -- is the Willig Survey No. 712.

A. That survey right here. Does that help if I do that? Can everybody see that? Easier with a laser pointer, to point to it.

Q. And when was that survey originally performed?

A. Survey was done 1856.

Q. Now, are you aware if the --based on the surveying report, filed by the surveyor, Mr. Houston -- if the corners of that survey were identifiable?

A. The field notes call for a stone mound at the northwest corner with two witness trees. That corner I would consider identifiable, although I don't know if you can actually find those trees and the stone mound today or not.

The other three corners of that survey are called to be marked with a stone mound or stake in mound, and again, those may or may not have actually been visited by the surveyor.

Q. Now, the second in seniority survey I believe, is labelled as the J. H. Weisheit, No. 782 survey. If you could point that out for the panel.

A. That would be that one right there (indicating).

Q. And do you know if the corners of that survey were identifiable to the surveyor, based on his survey report?

A. That survey was done in 1859, so it was the second in seniority for this area and it was done by William Frederic and two of the corners are marked with stone mounds and witness

trees. Actually, one of them has a witness tree in the southeast corner and the northeast corner of the stone mound calls for a joiner to the senior survey and the other two, the northwest and the southwest corner are stake in mound.

Again, corners that are marked with stake in mounds as called for in the field notes often really weren't surveyed although surveyors will go look, but we don't ever -- don't often expect to find anything. So the survey corners can be located, but if by identifiable, you mean, did the original surveyor call for enough information to actually go out there and walk up to the corner without doing extensive survey, I would say in this case, those two corners --the northwest and the southwest are probably not identifiable.

Q. Now the -- I belive the third in seniority was the H and T. C. Railroad Company No. 41 survey and I believe there was a second survey done at the same time by Surveyor Doyle which is the No. 42 -- No. 41 and 42 of the H and T. C. Railroad, if you can identify those two for the panel.

A. (Complies). That's 41 right there. I'm sorry, 41 right there and 42 is right above it.

Q. And did Mr. Houston, as reported, indicate whether or not those corners could be located?

A. You know, I don't recall exactly what his report says in regards to those corners without rereading it again.

Q. That's okay. We can ask Mr. Houston about that.

Now, the fourth in seniority, I believe, is labelled as Gonzales School County School Land. If you can identify that.

A. Gonzales County School Land Survey is right there. This big survey, Surveyed in 1874.

Q. And where did that survey, the beginning point of that survey. Where was it located?

A. At the southeast corner of the Willig, No. 72 right there.

Q. And my understand is the most senior survey?

A. Most senior survey in this area, yes.

So when the Gonzales County School Land was put on the ground, this was the only existing survey that it adjoined. It went from there and then east and then south and then west and back north and then east to its point of beginning and did not adjoin any other existing surveys.

Q. It's my understanding after the Gonzales County school Land Survey was performed, there were --it looks like six-- additional surveys which are surrounding the alleged vacancy area which are labelled as the GC and SF Railroad No. 1, No. 2, No. 3 , No. 27, No. 29 and No. 30.

If you wouldn't mind identifying those for the panel.

A. Well, No. 1 is right there, No. 2 is down there, (indicating). No. 3, 27, 29, and 30. (Indicating).

Q. Now, if you could explain for the panel on the No. 27 of the GC and SF, No. 27 survey, it appears that that survey overlays the Gonzales School Fund Land.

A. When you put those surveys in when you construct them in the order of seniority, and by their calls, 27 ends up being partially in conflict with the senior, Gonzalez County School Land Surveys, so 27 begins down here (indicating), and then kind of goes up in a northern-clockwise direction and then west and south and back to the east and it's actually going counterclockwise, but it's in -- in conflict with northeast corner of the Gonzales County School Land Survey.

Q. If you could quickly as far as being in conflict, if you could explain that a little further. What does that--

A. Conflict means that it overlaps. There's an overlapping of the surveys, so the Gonzales County School Land tract or survey had already been made and put on the ground and that was in 1874. In 1878 so about four years later, TC and F No. 27 was put in along with these other four or five, GC & SF surveys and this one just overlaps that Gonzales County School Land Survey.

Q. And now, that being in conflict with the 27 being in conflict with the Gonzales County School Fund Land, does that have any effect on the area that's allegedly vacant?

A. No, it does not. It forms a boundary to the -- it -- there's a little -- it's hard for everybody in the room to see

this, but there's a little jog in the -- right here in the west line of Survey 30 which is this one right here (indicating) and 27 adjoins it right at that jog, so right there, of the two surveys come together.

Q. And it may be easier, Mr. O'Hara. I believe this was offered as Exhibit No. 1, GLO Exhibit 1 on the other side, if I could...

A. High-tech board.

MR. LAND: At this time, I'd like to offer what is labelled as the plat showing the indicated 13.5 acre tract and have the exhibit marked as GLO Exhibit No. 2.

(GLO Exhibit No. 2 marked)

Q. (BY MR. LAND) Now, I'm sorry Mr. O'Hara, you were -- I thought this one might be easier to show that little area since this is, in essence, I guess an enlargement or blow up of the area we were referring to a moment ago.

A. Well, this Exhibit 2 is Mr. Houston's survey plat of the alleged vacant strip, running right there is the north end of it and it runs to its apex right there (indicating), so it's about two-and-a-half miles in length and about 22 varas wide at the north end; comes to a point at the south end, so it's hard -- I know it's hard for the panel to see this. You all have a copy on the table, good.

So the survey No. 27 comes along -- the survey actually came down like this (indicating). Tom's map doesn't

show the lines that were in conflict, but it actually comes down to its southwest corner and then runs to the east until it hits the west line of survey 30 and then it runs north along the west line of 30, past its northwest corner, the northwest corner of 30 to the northeast corner of 27 and then goes back to the west.

Survey 30 has a little jog in it. I don't know if it contributed to this vacant strip or not, but it very well may have because it formed a little jog right there and the other surveys seem to almost line up with it to the south. I think more than anything, they didn't know -- the surveyors for GC and SF probably didn't know exactly where this -- these lines of the Gonzales County School Land surveyed.

Q. Now, when the GC and SF Railroad No. 1 and No. 30 were performed, as for the calls in the those surveys that adjoined, did they call to adjoin the Gonzales County School Land or were the -- sorry, the western boundaries of all those boundaries, were those identified by mounds or any other form of identification and--

A. The northwest corner of survey 1 calls for a stone mound on the east line of the Gonzales County School Fund Survey.

The most northwest corner of 30 -- see that little jog right there, the reentry corner calls for stone mound to the northeast corner of the Gonzales County School

Land and then the surveyor knows that the original corner was destroyed and that the southwest corner of the survey 1, which is way down here, on Mr. Houston's map, Exhibit 2, called for a stone mound on the southeast corner of the Gonzales County School Land Survey.

Q. So when you say it calls to join the Gonzales County School Fund Land, was the -- as far as you could tell from Mr. Houston's survey, was the actual mound that was identified by Mr. Houston located on the existing eastern boundary of the Gonzales County School Fund Land?

A. Mr. Houston has found --if I can open this map up without hitting the microphone -- Mr. Houston has found a significant number of corners out there on which to reconstruct the surveys starting up at the north part. He's found a car axle that's in a stone mound to the northern most northwest corner of 30; coming south along the survey line, he's found another car axle that's stamped SE27JJG in a stone mound and he held those two corners -- those two monuments to form the northern-most northwest corner of the section 30 and then, coming down to the south, he's found another car axle in a stone mound for the original southwest corner of section 30 and then going to the east, he has additional monuments -- survey monuments to --on which to construct the surveys to the east, and so those monuments -- all of those monuments I just mentioned serve to construct to the GC and SF surveys.

Q. Now, if you could, there was, I believe, one remaining survey that I had failed or hadn't mentioned yet, which is the O. B. Robertson Survey. If you wouldn't mind, I believe we don't have to go back to the GLO 1, I believe it's listed on GLO 2.

A. It was surveyed in 1907 as a scrap file and it filled a gap between the south line of the Gonzales County School Land Survey and surveys 2 and 3 TC and SF and surveys further to the west.

Q. Now, if you could, for the panel, if you could explain maybe briefly the difference between the junior and a senior survey and what affect that a senior would have on a junior as far as the priority in the surveys that we have.

A. Okay. When we're talking about original surveys, the seniority is determined by the date of survey, the date it was originally segregated from the public domain, in most cases. There's an exception to that rule, but generally speaking, the date of seniority is determined by the date of survey.

So when you look at constructing the original surveys, generally speaking, the senior surveys are constructed first and the junior surveys are constructed in the sequence of their seniority.

Q. Now, if you have a junior that's in conflict with a senior, which, I guess -- which one would take priority of the two?

A. Usually the senior survey will get its calls first.

Q. Would there be any exceptions to that?

A. There's always exceptions. That's really the first rule: There's always exceptions to the rule, but generally speaking, seniority -- the senior surveys get their calls first.

Q. Now, if I could briefly take you through the field notes which were provided with the application.

MR. LAND: And if I may, I'd like to have the field notes marked as Exhibit, GLO Exhibit No. 3.

(GLO Exhibit No. 3 marked)

A. These are the field notes of the 13.56 acres?

Q. (BY MR. LAND) These are labeled -- yes, field notes of the survey of 13.56 acres.

A. Okay.

Q. Now, if you could, Mr. O'Hara, if you could briefly walk us through the field notes and it would probably be helpful for the panel if you could walk through them, actually point to the points that have been located or are there any questionable points that haven't been located, starting with the first point at the south end of the survey, just going around the five or six points that were located?

A. The field notes that have been submitted thus far are the description of the entire alleged vacant tract, 13.56 acres. These were done for Sarah E. Chapoton as part of her

application to purchase or lease the vacant land.

It begins down here to the southeast corner of the Gonzales County School Land Survey. The five foot tall galvanized iron pipe that Mr. Houston found and states in his field notes as, long recognized as the southeast corner of the Gonzalez County School Land Survey.

It's also the northeast corner of the O. B. Roberts survey No. 1 and there are witness trees there and let's see, another reference. There's a corner post of the fence corner post nine varas to the southeast, and then he gives coordinates to base on the Texas Coordinate System with a beginning point and then it proceeds northerly with the east line of the Gonzales County School Land Survey and it's a fence line. He says so in his field notes.

He goes 4,380.35 varas to a 3/8ths inch pipe found in a stone mound in a fence and that is the southwest corner of Survey No. 27 GCS and SF, so he's down here now (indicating).

Q. Now, Mr. O'Hara, I see on the north end of the alleged vacancy, I believe, I see two points which are, I think, according to the field notes are 22 vara, approximately, apart?

A. Right.

Q. Now, I believe you're referencing the left point?

A. Right, the one to the west.

Q. Now, the west point, is that labelled as the southwest corner -- I'm sorry, the southeast corner of the GC and SF Railroad No. 27?

A. Southwest corner, yes.

Q. Now, on the plat shown, this plat, there's another location to the east of that. I guess, if you could explain the difference between those two points and which one -- whether you would consider to be the southwest corner of that, I guess, of No. 27?

A. Yeah, I think Mr. Houston is calling that corner the southwest corner of the 27 because the way he's constructed it, survey 27 comes down and runs along the north line of the Gonzales County School Line survey to its northwest corner and then south to a corner of the survey 27 and then east and then goes back north, so in this construction, that is the southernmost corner.

Q. So that would be the southwest corner and then point to the east, the second point which, I believe, was 22 varas to the east?

A. It's actually 70 varas -- 70.22 varas to the east.

Q. I apologize.

A. And that would be the southeast corner of 27. Keep in mind that by its original field notes, this overlapped the corner of the Gonzales County School Land Survey, so really in the original construction, the southwest corner was over here,

but if you take out the overlap and the conflict, it ends up over here. Puts a little kind of...

Q. I guess because there is a conflict from a junior versus a senior standpoint, that land that is in conflict would be part of Gonzales School Fund Land?

A. Yes. Right. The Gonzales County School Land Survey was senior. It was there several years before the survey 27 was placed and so...

Q. So that is what -- that narrow strip which is considered part of 27?

A. The land was already removed from the public domain, so it wasn't available anymore.

Q. From that point, if you would continue, further, to the south?

A. Okay, from this corner, which is the northwest corner of the alleged vacancy, the field notes then run easterly with the south line of survey 27, this is 27 and there's that little tail right here, 22.22 varas, to a point --and he calls that northwest corner of the GC and SF survey 30 which is this survey right here (indicating) and the northeast corner of the alleged vacancy right here, and then he gives references to that corner. And then from there, he runs southerly with the west line of survey 30. He goes a 1087.71 varas to an axle that he found right there; that is -- he calls the original southwest corner of survey 30.

Here's survey 30 and he's there. That bearing that he runs was south zero degrees, 47 minutes 32 seconds west. Then he continues from here, the next call, goes the same bearing south zero degrees 47 minutes, 32 seconds west; then 3,872 varas east; comes to a point on the north line of GC and SF survey No. 2. We're down here now. He's come from there, all the way down here (indicating), so there is a variance from up here all the way down, which is how the original surveys were intended to be.

They were all supposed to be in a straight line. He's also in the north line of -- sorry, he's in the north line of survey 2, GC and SF. It's the southwest corner of survey No. 1, GC and SF this is survey No. 1, and it's the southeast corner of the OB Robertson survey. The scrap file is located right here, so he's tying all these surveys together. One and the OB Robertson and they are all in the north line of two.

Q. And are there any conflicts between those three as far as you've been able to tell?

A. No, there's not.

And then he continues northerly along a bearing of north, zero degrees -- excuse me north zero degrees, 19 minutes 13 seconds west and he goes 578.96 varas to the point of beginning, so he goes back to there (indicating), so in those bearings are different and with that construction, it

leaves a gap between the surveys.

Q. Now, Mr. O'Hara, in your review of the all materials submitted, have you had an opportunity to formulate an opinion as to the accuracy of the materials provided and formulated an opinion as to whether or not a vacancy exists?

A. Yes, I have reviewed this survey. I've consulted or visited with Mr. Houston on a couple of occasions on this, just to talk about the evidence that he's found, and I reviewed the archive files and everything in the records in the map room and have the opinion that there is a vacancy, as noted on the survey.

Q. And would you agree with -- as far as the alleged size of the vacancy being 13.56 acres, that that is the accurate size?

A. Yes, I agree with that.

MR. LAND: Now, one more quick series, if you could, I'd like to have marked -- if I could offer as GLO Exhibit -- I believe we're on 4; the Goodfellow Survey which is up here on the same board.

(GLO Exhibit No. 4 offered)

Q. (BY MR. LAND) Now, this alleged vacancy, was that -- has that been noted on this other survey that was conducted in 1936?

A. In August of 1936, J. J. Goodfellow, who was a licensed state land surveyor in San Angelo, Texas and also I

believe the county surveyor there at some point did a private survey of the Dove Creek Ranch, and this survey of the Dove Creek Ranch includes section 27,30, 1, 2 and 3 of GC and SF block along with the OB Robertson survey and it adjoins the segment of the north and the south lines of the Gonzales County School Land Survey and the east line of the Gonzalez County School Surveys. And then, of course, includes a bunch of sections to the east and I don't know what the overall acreage is of this, but it's a significant -- it's a large tract.

Anyway, in 1936, Mr. Goodfellow identified the same area as an apparent vacancy. The way he's constructed the survey lines, is very similar to what Mr. Houston has done. He doesn't really label it --at least I don't know he labels it as a vacancy per se-- and he doesn't give an acreage of it, but it's clear that that's what it is. It's a gap between the surveys, so this map is not filed anywhere as far as I know. It's not filed in our records and I don't know that it's filed at the county, either. Mr. Houston could elaborate on that. It looks like it's not an official survey.

Q. I know there was one other exhibit -- actually two other exhibits I'd like to offer at this point, which we discussed one was the survey report which was filed by or survey report of 13.56 acres of land which was filed with the application and I would like that marked if I could as GLO Exhibit No. 5 and I believe the final offering which I'd like

to make is a copy of the GLO scrap file 16589 and at this point I would like to offer all exhibits, GLO Exhibits 1 through 6 entered into evidence.

MS. STEINBACH: Okay.

(GLO Exhibit Nos. 1 through 6 entered into evidence)

MR. LAND: I believe at this point that's all I have for you Mr. O'Hara. Thank you very much.

MR. O'HARA: May I sit?

MR. LAND: At this point, if the hearing panel had any questions for...

MS. STEINBACH: If y'all have questions now, go ahead, or we can call Mr. O'Hara back up after Mr. Houston.

MR. LAND: We'll call him back.

MS. STEINBACH: Do you have any anything, Ms. Wade?

MS. WADE: No.

MR. LAND: At this point, I'd like to call Mr. Thomas Houston. I can't call him to the stand, unfortunately, but are you there Mr. Houston? Can you hear me?

A. Yes.

EXAMINATION

BY MR. LAND:

Q. Now, Mr. Houston, I -- normally the way we would proceed in this type of case is, I would have had you try to go

through the series of questions that I had Mr. O'Hara do, but for -- since I know you're not in front of a video conference machine, there's no way you could point to any of the points on the survey, I thought it would be best to have Mr. O'Hara do that, but in general, would you agree with the construction of the alleged vacancy that Mr. O'Hara testified in regards -- or do you have any -- were there any discrepancies that you noted in his testimony which would conflict in any way with your opinion as to the existence of the alleged vacancy?

A. No, I agree with all that he said.

Q. Very good.

Now, in your opinion, generally if you could maybe tell us in your opinion, why you believe this vacancy originally or what resulted in the creation of this vacancy?

A. Of course, as Mr. O'Hara indicated, the Gonzales County School Land was never physically marked on the ground at the northeast and southeast corners. That made in 1874, so when Mr. Foot went out there in 1878 to survey the GC and SF surveys, there was nothing physical on the ground that I'm aware of that could have indicated to him where Gonzales County School Land was.

Now, Mr. Foot does have ties to senior surveys to the east that -- actually, survey 782 and he basically builds off of that, going to the west, and he calls, I believe, by conjecture, that he is joining up against the east line of

Gonzales County School Land.

I think it's very apparent that Mr. Foot was not aware where Gonzales County School Land was. If you notice, the south part of survey 27 that Mr. O'Hara indicated was in conflict--

Q. Yes.

A. If take a look at that, that is almost nearly the same north/south problem that Mr. Foot indicates down at the southwest corner of the GC and SF Survey 1. In his field notes for GC and SF survey one, he calls for a stone mound at the southeast corner of the Dallas County School Land.

Obviously, based on Mr. Beaver's survey of the OB Robertson, there's about 576 varas north/south discrepancy that the Foot southwest corner of one was actually that 576 varas south of the southeast corner of Gonzales County School Land. That is fairly close to the 596 vara north/south discrepancy that J. J. Goodfellow indicates in his corrected-field notes for survey 27. It's in that very narrow pan-handle strip that butts up against survey 30, so--

Q. Excuse me Mr. Houston--

A. --I think clearly, Mr. Foot had a north/south problem that he did not realize; therefore, it's entirely reasonable that he also would have had a potential for east/west problem which obviously was much smaller. I think those facts, combined with his physical markers on the ground, prove that he

did not know where Gonzales County School Land was when he was performing his survey.

Q. Now, how long have you been working in this area or the adjacent surveys which you've provided?

A. I've been working out there off and on since 1981 when I moved to Texas, and our company has been working out in that area and has records in our files that go back, at least, to the 70s.

Q. Now, I believe on one of your sketches, it referenced that -- and I apologize. I don't remember if it was the plat of 13.56 acres or the working sketch which you had noted that the -- it had been performed between the years, I believe, if I recall, 1992 and 2008.

A. Yes, sir.

Q. I guess if you could briefly explain what took place during those years. Did you actually identify each of these -- all of these other surrounding surveys or was that just dealing with this area of the alleged vacancy?

A. Well, the -- between the jobs we do for all companies out there to locate the gas wells and work we are doing for the ranchers that actually own this area east of Gonzales County School Land, we had done a lot of work out there prior to 1992. We had done some work, but in 1992, we did a more comprehensive survey and found a lot of these corners out here and then when this issue came up to survey for the potential vacancy, we went

out there and looked out for additional corners we had not previously found that would deal directly with this possible vacancy, so we did not --in 2008-- go back and recover all the corners that we previously had found, going back as late as 1974, but we did utilize the same ground control -- the same reference points we had left years past out in this area. We did use those to pick up and perform our work in 2008.

Q. And so this particular area that's alleged to be vacant, did you discover that as being an alleged vacancy?

A. No, there's always been some concern that's there by virtue of the 1936 J. J. Goodfellow plat and work that we had done in the past that really had not been much of an issue. Now, we did do a partition of this property involved. In fact, the -- on the survey plat, there is the north part of this potential vacancy, 0.79 acres is actually a survey that we had performed back, oh, probably somewhere in the 90s, so we dealt with it back then and it was possibly there, but at that point, no one wanted to pursue it.

Q. Now this 0.79 acres that's, I believe, it's identified on the plat shown -- what's labeled GLO Exhibit No. 2, above a fence line?

A. Yes.

Q. So that very north section and the area to the south of that point, 0.79 acres I believe are in your field notes you referred to or maybe it was in your survey report, you appear

to refer to as the 12.77 acres. That's the area of the alleged vacancy that the applicant is interested in purchasing; is that correct?

A. Yes, to my understanding Ms. Chapoton, the applicant, she actually -- her part of the vacancy --if it's found to be that-- will be the 12.77 acres. Another party to the north will have the 0.79 acres, so the division line would be what cut the vacancy in two pieces.

Q. But that would comprise -- those two pieces would comprise the total alleged vacancy?

A. Yes, sir.

Q. Very good.

At this point, I don't have any further questions. If the panel has any question for Mr. Houston.

MS. STEINBACH: Ms. Wade, do you have any questions?

MS. WADE: No.

MR. PYLE: Mr. Houston, this is David Pyle. How are you?

A. Good.

Q. A lot of these corners appear to be perpetuated by Mr. Goodfellow and others, and you are relying and I guess this question is basically for both of you, you're relying on this Goodfellow as part of your evidence and some strength to some of your decisions on the fact that Mr. -- although it's a

private survey, that Mr. Goodfellow is a licensed land surveyor.

A. Yes, sir. Mr. Goodfellow, back in 1936, he did find what he indicates on that 1936 survey, the original corners and, of course, obviously when they were originally set, they were stone mounds and witness trees. Mr. Goodfellow went back and drove axles in those corners, at least several of them, just to perpetuate them and to make them more identifiable, not all the trees that were called for in the original field notes nor all the trees that Mr. Goodfellow found are still in existence, but I believe that Mr. Goodfellow found and then verified them or perpetuated them with axles in them and going back and found the axles, so we are not particularly relying on Mr. Goodfellow's courses and dimensions, but simply the identification of the corners.

Q. Okay, thank you.

Also, Mr. O'Hara mentioned that if the northwest corner of Willig, that he wasn't sure that that was visited.

A. Yes, sir.

Q. But I get the impression that you do since you show ties to it on your map.

A. Yes, sir now that -- that tie was from the 1974 survey.

The stuff we have out there is all on the Texas

Coordinate System that we had in 1927, so we -- although we did not go revisit that during this 2008 work, the information on that is contained in our records in the office.

Q. Okay, thank you.

MR. MULLENS: Billy Mullens. I have a question: Is Goodfellow an LSLS? Did I hear that?

A. Yes, sir.

Q. He was. Just out of curiosity, why is it that you think that Goodfellow didn't report the gap between the surveys when he found it and marked it on his survey?

A. I wouldn't know why he didn't report it.

Q. I have one other question either for Mr. O'Hara or for Mr. Houston regarding the 48 vara gap -- pardon me, jog which is along the west line of survey 30.

MR. HOUSTON: Yes, sir.

Q. (BY MR. MULLENS) Why would there be a jog like that along a line of a railroad survey? Does anybody have any idea why that 48 vara jog is there?

MR. HOUSTON: My guess on it would be that Mr. Foot was locating 640 acre surveys for GC and SF and since the area obviously is coming off the Weisheit Survey 782, that was all not a nice square area of unsurveyed school land that still existed, he had to butt his surveys up to existing surveys that were river surveys that had odd shapes in them and my guess is that he --at some places-- got to where he had to

make some adjustments in his dimensions to take it out of being square, simply to make his shape -- his configuration of his surveys to include 640 acres.

MR. O'HARA: I concur.

MR. MULLENS: So, there's no chance that line was intended to be straight all the way from one through 30 to the northwest corner of 30.

MR. HOUSTON: No, sir, because the original field notes by Mr. Foot clearly indicate that he comes up the western part of the -- let's see, the southern part of the west line of 30, he comes up to a point that he calls a stone mound, the northeast county Gonzalez County School Land and then he traverses east 48 varas.

MR. MULLENS: Okay. That was another question I had was, did he call for it in the field notes, so you answered that.

MS. STEINBACH: I just have one, I think, very simple question.

You said, Mr. O'Hara, that there's generally minor exceptions to the rule that the senior survey has priority but none of those exceptions apply in this case; is that correct?

MR. O'HARA: That's correct. Let me note one other thing I had forgotten about until Mr. Houston mentioned it, but, section survey 27 GC and SF was put in conflict and it

was patented on those original field notes of 640 acres. It was later -- these field notes were later corrected field notes in the file from Mr. Goodfellow who shows this little, the little tail or pan handle as somebody referred to down here and so Mr. Goodfellow noted the conflict here, but it was this conflict that kind of created this thing down here to the OB Robertson survey, I just wanted to make mention of that.

MR. MULLENS: Billy Mullens again.

Did the 7 -- does that call for 70.22 -- is that in the corrected patent or in the corrected field notes? Excuse me.

MR. O'HARA: There's a call for that line. I'll look at the dimension.

MR. HOUSTON: The call is based on kind of combining the Foot and the Goodfellow put out are 70 varas, and we find in the physical monument, 70.22.

MR. LAND: Mr. Mullens, I believe the field notes he's referring to are not included in the record at this point. Would you like them to be offered and entered into the record for your review?

MR. MULLENS: Yes.

MR. LAND: In that case, I'd like to offer them as GLO Exhibit No. 7 and I believe those are the originals, so we'll provide a copy and enter it into the record for your review.

MS. STEINBACH: Okay.

(GLO Exhibit No. 7 offered)

MS. WADE: One quick: This is Camie Wade, Mr. Houston, and I think Mr. O'Hara testified that all of the easterly surveys that connect with the alleged vacancy call to connect to the public school land on its easterly border; is that correct? Did I hear that right?

MR. HOUSTON: Yes. GC and SF surveys call to either be at the corners of the east line of the Gonzales County School Line.

Q. Okay, then how did they not connect and fill in the vacancy?

A. Well, this is one of the exceptions to the rule. The adjoiner has to be broken because there's a physical monument being a stone mound with witness trees or, now, an axle that actually locate the west line of GC and SF, so the adjoiner call is broken because physical monument is going to override that.

Q. So the actual call to the monument would override the call to the school land boundary.

A. Yes, ma'am.

Q. And then did the GC and SF surveys, I guess, 30 and 1 have 640 acres without the vacancy land?

A. I don't recall, exactly, what the acreage in those was, but yeah, the way Mr. Foot originally constructed them, it

would have been 640 acres.

MS. WADE: Thank you.

MS. STEINBACH: Mr. Land, do have you any further?

MR. LAND: Don't have anything further.

MS. STEINBACH: Would either of you like to make a closing statement?

MS. WADE: No, thank you.

MS. STEINBACH: Okay. The hearing panel will be making a recommendation to the Commissioner who will be issuing a written order in this matter, determining whether or not a vacancy exits at the subject property. The order will be mailed to the applicant and all necessary parties or the representative counsel.

Are the any other matters which any of the parties wish to raise today before the panel?

MR. LAND: No, thank you.

MS. WADE: No, thank you.

MS. STEINBACH: Then we may go off the record and this hearing is adjourned.

(Hearing is adjourned at 2:00 p.m.)

REPORTER'S CERTIFICATE

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Jamie Foley, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-captioned matter came on for hearing before the General Land Office Examiners of the Texas General Land Office on the 10th day of November, 2009, as hereinbefore set out.

I FURTHER CERTIFY that the facts stated in the foregoing pages are true and correct; that I did, in shorthand, report said proceedings; that the above and foregoing typewritten pages contain a full, true, and correct transcript of my shorthand notes taken on said occasion to the best of my ability.

I FURTHER CERTIFY that I am neither attorney or counsel for, related to, nor employed by any parties to the action of these proceedings and, further, I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 14th of January, 2010.

Jamie Foley

JAMIE FOLEY
Texas CSR NO. 8764
Certification Expires 12/31/10
Ken Owen & Associates
Firm Certificate No. 115
801 West Avenue
Austin, Texas 78701
(512) 472-0880

Irion Hearing – 11/10/2009

GLO Ex. 1 – Working Sketch
GLO Ex. 2 – Plat 13.56 acres
GLO Ex. 3 – Field Notes
GLO Ex. 4 – Goodfellow Survey
GLO Ex. 5 – Survey Report 13.56 acres
GLO Ex. 6 – Scrap File No. 16589

(43)

File No. SF-16589

Irion County

List of GLO Ex's. for Vac. Hrg.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sequeira

PR# 10-0362
K# 08-164-000-3292
Date: 12-1-09
OK/Pay
G.C.

THOMPSON & KERBY
P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

December 01, 2009

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
11/10/2009	CW	Prep for vacancy hearing; attend vacancy hearing	2.70 185.00/hr	499.50
		For professional services rendered	2.70	$499.50

Additional Charges :

12/1/2009	Expense check # 14250 to American Express for travel expenses for Camie Wade	310.20
	Total costs	$310.20
	Total amount of this bill	$809.70
	Previous balance	$175.75
11/23/2009	Payment - thank you	($175.75)
	Total payments and adjustments	($175.75)
	Balance due	$809.70

THOMPSON & KERBY

A PROFESSIONAL CORPORATION
LAWYERS
LUBBOCK, TEXAS
4219 85th Street - ZIP 79423
P. O. Box 65150 - ZIP 79464
806/793-7600
FAX 806/793-6882

GEORGE L. THOMPSON, III
Board Certified, Personal Injury Trial Law
Texas Board of Legal Specialization

DAVID L. KERBY
CAMIE C. WADE

December 2, 2009

Bill Warnick
Texas General Land Office
Stephen F. Austin Bldg.
1700 North Congress Avenue
PO Box 12873
Austin, TX 78711-2873

ATTORNEY CLIENT COMMUNICATION

Re: General Land Office Contract No. 04-185-000-0318
General Land Office Contract No. 08-169-000-3292

Dear Bill:

Enclosed please find our billings for the month of November 2009 for the above referenced contracts. Please place these invoices in line for payment at your earliest convenience.

Thank you. I am,

Yours very truly,

George Thompson

GT/ts

(44)

File No. SF-16589

Irion County

Ad litem bill dtd. 12-1-09

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By D. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0362
K# 08-169-000-3292
Date: 3/12/10
OK / Pay
G.C.

March 05, 2010

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
2/5/2010	CW	Email to David Land re: status update; receipt and review of response email	0.10 185.00/hr	18.50
		For professional services rendered	0.10	$18.50
		Previous balance		$809.70
1/4/2010		Expense Payment - thank you		($310.20)
1/4/2010		Payment - thank you		($499.50)
		Total payments and adjustments		($809.70)
		Balance due		$18.50

RECEIVED
MAR 12 2010
ACCOUNTS PAYABLE

(45)

File No. SF-16589

Irion County

Ad litem bill dtd. 3-5-10

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0047
KI 08-169-000-3292
MM Date: 4-9-10
OK/Pay:
G.C.

April 01, 2010

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
3/5/2010	CW	Receipt and review of vacancy panel's recommended findings of fact and conclusions of law and email with the same	0.25 185.00/hr	46.25
		For professional services rendered	0:15:00	$46.25
		Previous balance		$18.50
3/30/2010		Payment - thank you		($18.50)
		Total payments and adjustments		($18.50)
		Balance due		$46.25

(46)

File No. SF-16589

Irion County

Ad litem bill dtd. 4-1-10

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY
P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0047
K# 08-169-000-3292
Date: 6-7-10
OK/Pay:
A.G.C.
G.C. LWW
To SUSAN G.

June 02, 2010

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
5/24/2010	CW	Email to Mr. Land requesting update on file	0.10 185.00/hr	18.50
		For professional services rendered	0.10	$18.50
		Previous balance		$46.25
4/20/2010		Payment - thank you		($46.25)
		Total payments and adjustments		($46.25)
		Balance due		$18.50

pd. 6-17-10

RECEIVED
JUN 07 2010
ACCOUNTS PAYABLE

(47)

File No. SF-16589

Irion County

Ad litem bill dtd. 6-2-10

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY
P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 10-0362
K# 08-169-000-3292
Date: 8-6-10
OK/Pay:
A.G.C.
G.C.
To Susan S: 8/10/10

August 03, 2010

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

		Hrs/Rate	Amount
6/3/2010 CW	Receipt and review of update from Mr. Land	0.10 185.00/hr	18.50
	For professional services rendered	0.10	$18.50
	Previous balance		$18.50
6/22/2010	Payment - thank you		($18.50)
	Total payments and adjustments		($18.50)
	Balance due		$18.50

THOMPSON & KERBY

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Board Certified, Personal Injury Trial Law
Texas Board of Legal Specialization

CAMIE C. WADE

DAVID L. KERBY
Board Certified, Personal Injury Trial Law
Texas Board of Legal Specialization

August 3, 2010

Mr. Bill Warnick
Texas General Land Office
Stephen F. Austin Bldg.
1700 North Congress Avenue
P.O. Box 12873
Austin, TX 78711-2873

ATTORNEY CLIENT COMMUNICATION

Re: General Land Office Contract Nos. 04-185-000-0318 and 08-169-000-3292

Dear Bill:

Enclosed please find our billing statements for the month of July 2010 for the above referenced contract. Please place these invoices in line for payment at your earliest convenience.

Thank you. I am,

Yours very truly,

George Thompson

GT/cbc

Enclosures

(48)

File No. SF-16589

Irion County

Ad litem bill dtd. 8-3-10

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: **September 30, 2010**

TO: Commissioner Patterson

THRU: LaNell Aston
Bill Warnick
Larry Laine

FROM: David Land

SUBJECT: **FINAL ORDER OF THE COMMISSIONER** on finding of VACANT LAND relating to an Application to Purchase Vacant Land, Irion County, Texas (SF-16589)

Summary: On November 10, 2009 a hearing panel composed of Stacey Steinbach, Billy Mullens, and David Pyle heard evidence relating to the above-referenced Application. It is the recommendation of the panel that you issue the attached Final Order with a finding of VACANT LAND in this matter, sign the NOTICE OF CLAIM OF VACANCY ("NOTICE") and that you also adopt the attached Recommended Findings of Fact and Conclusions of Law.

Discussion: The application was filed by Sarah E. Chapoton ("Applicant"). The survey was performed by Thomas J. Houston, Licensed State Land Surveyor, and reviewed by Bill O'Hara. A hearing panel composed of Stacey Steinbach, Billy Mullens, and David Pyle heard testimony and evidence related to whether a vacancy exists as alleged in the Application on November 10, 2009. Based on the testimony and evidence presented at the hearing, and materials in the files of the General Land Office, the aforementioned staff panel finds that the plat submitted by the surveyor, Thomas J. Houston correctly identifies the vacancy alleged in the Application and hereby recommends that you issue a Final Order of VACANT LAND in this matter, sign the NOTICE, and that you also adopt the attached Recommended Findings of Fact and Conclusions of Law.

These recommendations only relate to the issue of whether a vacancy exists as alleged in the Application. The recommendations do not address issues related to the Good-Faith-Claimant status of the Applicant or anyone else. Upon your issuance of a Final Order in this matter, there will be a 90-day period where persons may apply for Good-Faith-Claimant status. The NOTICE is required to be filed in the County Clerk and County Surveyor's records..

Your authority to issue a Final Order and NOTICE is set out in Texas Natural Resources Code § 51.188.

Recommendation: If you accept staff's recommendation, please sign the Final Order, NOTICE OF CLAIM, and endorse the file jacket of GLO File SF 16589 on the appropriate lines.

Attachments:
1) Recommended Findings of Fact and Conclusions of Law;
2) Final Order of the Land Commissioner finding that a vacancy exists;
3) NOTICE OF CLAIM OF VACANCY;
4) Appendix "A" – List of Documents Examined; and
5) SF 16589 file jacket

(49)

File No. SF-16589

Irion County

Memo re: Final Order

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § §	**SCRAP FILE NO. SF-16589**

COPY

VACANCY PANEL'S RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. INTRODUCTION

Pursuant to the request of the Commissioner of the General Land Office ("Commissioner") authorized under Texas Natural Resources Code ("NRC") § 51.188(b), the undersigned vacancy panel has reviewed the application of Sarah E. Chapoton ("Applicant") to purchase or lease vacant land in Irion County, Texas, File No. SF-16589 ("Application"). In the hearing held on November 10, 2009, in Travis County, Texas, the panel heard testimony and received evidence regarding whether the vacancy alleged in the Application exists. The panel has also examined the submissions of Applicant and records of the General Land Office ("GLO") relating to the Application. For the reasons set forth herein, the panel unanimously recommends that the Commissioner issue a Final Order determining that a vacancy exists in Scrap File No. SF 16589, Sarah E. Chapoton (Irion County).

II. FINDINGS OF FACT.

A. Procedural Findings.

1. The Application, SF No. 16589, Sarah E. Chapoton (Irion County), was filed in the County Surveyor's records of Irion County on October 31, 2008.

2. The GLO received the Application on November 7, 2008, and the Application was properly filed.

3. The allegedly vacant tract was adequately described in the Application and the Application otherwise fulfilled the requirements of NRC § 51.176.

4. The Applicant provided a list of necessary parties and their last known mailing addresses, and filed a proper affidavit with the GLO stating that Applicant made a diligent and thorough search for necessary parties.

5. The Applicant did not provide sufficient evidence to establish ownership of all interests in the property surrounding the alleged vacancy.

6. The GLO determined that an attorney ad litem must be appointed pursuant to NRC § 51.180.

7. The GLO appointed Camie Wade, J.D., of Thompson & Kirby in Lubbock, Texas, to serve as attorney ad litem for any unidentified or unlocated necessary parties to the Application.

8. The attorney ad litem identified additional necessary parties not previously listed by the Applicant and filed a proper affidavit with the GLO stating that a search for necessary parties had been conducted that fulfills the requirements of NRC § 51.180.

9. Thomas Houston, Licensed State Land Surveyor, of Wilson Land Surveying, Inc. ("Houston") filed a survey report ("Houston Report"), field notes ("Houston Field Notes"), and survey plat ("Houston Survey") for the allegedly vacant tract described in the Application with the County Surveyor of Irion County, Texas on October 31, 2008.

10. The report filed with the Houston Survey ("Houston Report") established that Houston followed the footsteps of the original surveyors to the greatest extent possible.

11. The GLO accepted the properly prepared Houston Survey for filing on November 7, 2008 and filed the survey plat as Irion Co. Rolled Sketch 25.

12. The GLO held a hearing on November 10, 2009, in the GLO offices in Austin, Texas, to take evidence on whether the alleged vacancy exists ("November Hearing"). The hearing panel heard testimony and received evidence from Thomas Houston and Bill O'Hara, Director of Surveying of the GLO. A formal transcript of the November Hearing was prepared by a court reporter, which is part of the record examined by the hearing panel ("Hearing Transcript"). The record shows that the GLO provided adequate notice to each identified and located necessary parties by mail to his or her last known address of the filing of the Application and the date of the November Hearing

13. All evidence adduced at the November Hearing is considered a part of the record for this matter.

B. Surveying Findings.

14. The first survey in this area of Irion County, the F. Willig Survey No. 712, was located by J.S. McDonald, Surveyor, in a survey dated July 2, 1856 ("F. Willig Survey"). In the F. Willig Survey No. 712, McDonald called for identifiable corners, which have been perpetuated by others.[1] The F. Willig Survey forms part of the northern boundary of a junior survey, the Gonzales County School Land Survey, located by J.H. Dickens, Surveyor, in a survey with an unknown month and day in 1874 ("Gonzales County School Land Survey"). The east line of the Gonzales County School Land Survey forms part of the western boundary of the alleged vacancy.

15. The second survey in this area of Irion County was originally located for J.H. Weisheit by William Friedrich, Surveyor, in a survey dated May 20, 1859 ("Weisheit Survey"). The Weisheit Survey No. 782 forms the northern end of the eastern boundary of the G.C & S.F. Railroad Company Survey No. 1, which Survey No. 1 forms the southern end of the eastern boundary of the alleged vacancy.

16. In the J. H. Weisheit Survey No. 782, Friedrich called for identifiable corners, which have been perpetuated by others.[2]

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[1] Houston Report p. 1.
[2] Ibid.

17. The third and fourth surveys in this area of Irion County were located on the same date in 1873.[3]

18. The third survey in this area of Irion County, the H. & T.C. Railroad Company Survey No. 41 was located by M.J. Doyle, Surveyor, in a survey dated January 13, 1873 ("H. & T. C. R.R. Co. Survey No. 41").

19. The fourth survey in this area of Irion County, the H. & T.C. Railroad Company Survey No. 42 was located by M.J. Doyle, Surveyor, in a survey dated January 13, 1873 ("H. & T. C. R.R. Co. Survey No. 42").

20. The H. & T. C. R.R. Co. Survey Nos. 41 and 42 form the southern end of the eastern boundary of the G.C. & S.F. RR Co. Survey No. 1, which Survey No. 1 forms the southern end of the eastern boundary of the alleged survey.

21. The fifth survey in this area of Irion County was the Gonzales County School Land Survey, which forms the northern end of the western boundary of the alleged vacancy.

22. Dickens called to begin the Gonzales County School Land Survey at the SE corner of the F. Willig Survey and traverses clockwise around the survey.

23. The Gonzales County School Land Survey corners were identified by Dickens as either "mound" or "stake and mound."[4] However, there are no known survey maps or reports indicating recovery of called monuments at the NE and SE corners.[5]

24. The sixth, seventh, eighth and ninth surveys in this area of Irion County were located on the same date in 1878.

25. The sixth survey in this area of Irion County, the G.C & S.F. Railroad Company Survey No. 1 was located by C.D. Foote, Surveyor, in a survey dated March 23, 1878 ("G.C. & S.F. R.R. Co. Survey No. 1"). The G.C. & S.F. R.R. Co. Survey No. 1 survey forms the southern end of the eastern boundary of the alleged vacancy.

26. Foote calls for the NE corner of the G.C. & S.F. R.R. Co. Survey No. 1 to begin at the NW corner of the J.H. Weisheit Survey No. 782.[6]

27. Houston found a car axle marked "NE 1 JJG" in a stone mound marking the NE corner of the G.C. & S.F. R.R. Co. Survey No. 1.[7]

28. Houston found a car axle stamped "SW 42" marking the SW corner of the H. & T.C. R.R. Co Survey No. 42 and the eastern boundary of the G.C. & S.F. R.R. Co. Survey No. 1.[8]

29. Houston found a car axle in a stone mound marking the SE corner of the G.C. & S.F. R.R. Co. Survey No. 1.[9]

30. The seventh survey in this area of Irion County, the G.C & S.F. Railroad Company Survey No. 30 was located by C.D. Foote, Surveyor, in a survey dated March 23, 1878 ("G.C. &

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[3] Id.
[4] Ibid.
[5] Hearing Transcript, pg. 25, 15-21.
[6] Houston Report at 1.
[7] Rolled Sketch No. 25.
[8] Id.
[9] Id.

S.F. R.R. Co. Survey No. 30"). The G.C. & S.F. R.R. Co. Survey No. 30 survey forms the northern end of the eastern boundary of the alleged vacancy.

31. Houston found a car axle in a stone mound verified by stump holes for witness trees marking the common western corner of the G.C. & S.F. R.R. Co. Survey No. 1 and the G.C. & S.F. R.R. Co. Survey No. 30.[10]

32. Foote set corners with witnesses and called for the G.C. & S.F. R.R Co. Survey No. 1 western boundary to adjoin the Gonzales County School Land Survey; however, the corners marked by Foote, perpetuated by others and found by Houston do not adjoin the Gonzales County School Land Survey.[11]

33. Foote also calls to have set a stone mound with a mesquite witness marking the SE corner of the Gonzales County School Land Survey; however, this corner actually marks the SE corner of the O.B. Robertson Survey No. 1 and not the Gonzales County School Land Survey, which is 576 varas to the north.[12]

34. The eighth survey in this area of Irion County, the G.C & S.F. Railroad Company Survey No. 2 was located by C.D. Foote, Surveyor, in a survey dated March 23, 1878 ("G.C. & S.F. R.R. Co. Survey No. 2"). The south corner of the alleged vacancy is located on the north boundary line of the G.C. & S.F. R.R. Co. Survey No. 2.

35. Houston found two car axles in stone mounds, one labeled "NE 3 NW 2" marking the NW corner of G.C. & S.F. R.R. Co. Survey No. 2 and a second marking the SE corner of G.C. & S.F. R.R. Co. Survey No. 1, establishing the north boundary line of said Survey No. 2.[13]

36. The ninth survey in this area of Irion County, the G.C & S.F. Railroad Company Survey No. 27 was located by C.D. Foote, Surveyor, in a survey dated March 23, 1878 ("G.C. & S.F. R.R. Co. Survey No. 27"). The G.C. & S.F. R.R. Co. Survey No. 27 survey forms the northern boundary of the alleged vacancy.

37. Houston found a car axle in a stone mound, labeled "SE 27 JJG" marking the SE corner of the G.C. & S.F. R.R. Co. Survey No. 27, and an interior corner of the G.C. & S.F. R.R. Co. Survey No. 30, and also found a spike in stone mound on the south line of the G.C. & S.F. R.R. Co. Survey No. 27 at its intersection with the east boundary line of the Gonzalez County School Land Survey. Houston established a corner on the line of these two monuments at 48 varas west from the SE corner of the G.C. & S.F. R.R. Co. Survey No. 27, as called for in the original field notes of the G.C. & S.F. R.R. Co. Survey No. 30 to form the NE corner of the alleged vacancy.[14]

38. The tenth survey in this area of Irion County, the O.B. Robertson Survey No. 1, was located by J.E. Beavers, Surveyor, in a survey dated March 20, 1907 ("O.B. Robertson Survey").

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[10] Id.
[11] Id.
[12] Id.
[13] Id.
[14] Id., Hearing Transcript.

39. The O.B. Robertson Survey No. 1 forms the southern end of the western boundary of the alleged vacancy. Beavers claimed to have found the SW and NW corners of the G.C. & S.F. R.R. Co. Survey No. 1.[15]

40. Beavers made the SE corner of the O.B. Robertson Survey No. 1 common with Foote's SW corner of the G.C. & S.F. R.R. Co. Survey No. 1. [16]

41. Beavers set a corner with witnesses to mark the SE corner of the Gonzales County School Land Survey based on the original calls to the F. Willig Survey No. 712.[17]

42. Houston found the galvanized iron pipe set by Beavers marking the SE corner of the Gonzales County School Land.[18]

43. The pipe set by Beavers and found by Houston agrees with the Beavers' tie to the NW corner of the F. Willig Survey No. 712 within approximately 21 varas north-south and 4 varas east-west.[19]

44. Beavers' survey also indicates that Foote's SW corner of the G. C. & S.F. R.R. Co. Survey No. 1 is not common with the SE corner of the Gonzales School Land Survey, as Foote believed, but is actually located 578.96 varas to the south.[20]

45. In 1936, Surveyor J.J. Goodfellow surveyed the area including the alleged vacancy ("Goodfellow Survey"), which depicts the problems between the G.C. & S.F. R.R. Co. Survey No. 1, and the Gonzales County School Land Survey identified by Beavers and depicts the area of the alleged vacancy.[21]

46. Goodfellow found a number of corners marked only by stone mound and perpetuated such monuments by placing car axles within the mounds and labeling the axles with "JJG."[22]

47. Goodfellow set a car axle labeled "JJG XX" marking the NE corner of the Gonzales County School Land Survey, which was found by Houston.[23]

III. CONCLUSIONS OF LAW

1. The area east of Gonzales County School Land Survey, east of the east line of the O.B. Robertson Survey No. 1, west of the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30, north of the G.C. & S.F. R.R. Co. Survey No. 2, and south of the G.C. & S.F. R.R. Co. Survey No. 27 constitutes a vacancy if the call for adjoinder to the Gonzales County School Land Survey by Foote was mistaken and considered conjecture.

2. "Unsurveyed land" is "... any land that is not included in surveys on file in the land office or surveys delineated on maps of that office."[24] "Titled" land is not defined by statute, but

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[15] Houston Report at 1.
[16] Id.
[17] Id.
[18] Rolled Sketch No. 25.
[19] Survey Report, p. 2.
[20] Houston Report at 1. Hearing Transcript, p. 26: 12-19.
[21] Houston Report at 1.
[22] Hearing Transcript, p. 30: 6-8.
[23] Houston Report at 2, Rolled Sketch No. 25, Hearing Transcript, p. 30: 3-15.
[24] NRC § 51.001(9) (Vernon Supp. 2004).

case law defines it to mean land that is subject to a grant or patent that, on its face, is evidence that the State of Texas or former sovereign parted with its right to the land and conferred the right on the grantee. Texas courts have defined "titled" land as land that is subject to a grant or patent which on its face is evidence that the State of Texas or former sovereignty has parted with its right to the land and conferred such right on the grantee. Unsurveyed land is "untitled" land that remains in sovereign ownership.[25]

3. The land described as vacant in the Application meets the definition of a vacancy as set forth in NRC §§ 51.172(6)(A) because such land is not included within a record survey (unsurveyed) and was never severed from sovereignty (unsold) under any of the several validly existing patents issued by the State of Texas in the area of concern.

4. The cardinal rule in relocating survey descriptions is to follow the steps of the original surveyor and to identify the boundaries by any reasonable evidence. In attempting to follow the footsteps of the original surveyor, the dignity and reliability of survey calls requires that they be given the following priority: (1) natural objects; (2) artificial objects; (3) course and distance; and (4) acreage and content.[26]

5. An original senior survey takes priority over subsequent junior surveys if the original surveyor's footsteps can be followed.[27]

6. Absent proof to the contrary, it should be presumed that a surveyor of public land properly performed his duty and made his survey sufficient to locate and identify it as actually made upon the ground.[28]

7. Calls for adjoinder made by conjecture can be disregarded if calls based on natural and artificial monuments show that adjoinder was erroneous.[29]

8. In the presence of reliable physical monumentation, calls to or from these monuments take priority over calls for course and distance. Such calls may be disregarded when such call is proven to be the result of mistake or conjecture by the surveyor or when the call is no longer valid due to the vacation, invalidity, or modification of the senior survey.[30]

9. Where the evidence indicates that calls made in a survey's field notes are incorrect, other relevant evidence is admissible to show where on the ground the survey was actually made.[31]

10. The Applicant offered evidence sufficient to establish the eastern boundaries of the Gonzales County School Land Survey and the O.B. Robertson Survey No. 1.

11. The Applicant offered evidence sufficient to establish the western boundaries of the G.C. and S.F. R.R. Co. Survey Nos. 1 and 30.

---

[25] *Strong v. Sunray DX Oil Co.*, 448 S.W.2d 728, 743 (Tex. Civ. App. – Corpus Christi 1969, writ ref'd n.r.e.)(citing *Windsor v. O'Connor*, 69 Tex. 571, 576, 8 S.W. 519, 521 (1888)).
[26] *Stafford v. King*, 30 Tex. 257, 258 (Tex. 1867); 31 TEX. ADMIN. CODE § 7.5.
[27] *Humble Oil & Refining Co., et al. v. State, et al.*, 162 S.W.2d 119, 132-33 (Tex. Civ. App. 1942).
[28] *Finberg v. Gilbert*, 141 S.W. 82, 85 (Tex. 1911).
[29] Frost, et al. v. Socony Mobil Oil Co., Inc., et al., 422 S.W.2d 387, 396 (Tex. 1968).
[30] *Kirby Lumber Co. v. Gibbs Bros. & Co.*, 14 S.W.2d 1013, 1014-1015 (Tex. Comm'n App. 1929, judgm't adopted).
[31] *See* 31 TEX. ADMIN. CODE § 7.5.

12. The Applicant offered evidence sufficient to establish the southern boundary of the G.C. and S.F. R.R. Co. Survey No. 27.

13. The Gonzales County School Land Survey is senior to the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30 surveys.

14. In surveying the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30, Foote did not properly understand the relationship between the western boundaries of these tracts and the eastern boundary of the Gonzales County School Land Survey.

15. Foote placed artificial objects (stone mounds), which were recovered and perpetuated by others by placing artificial objects (car axles), marking the NW corner of G.C. & S.F. R.R. Co. Survey No. 1 and the SW corner of G.C. & S.F. R.R. Co. Survey No. 30. Although Foote's field notes call for the western boundaries of both the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30 to adjoin the eastern boundary of the Gonzales County School Land Survey, those calls were made by projection or conjecture and the actual boundaries were marked with physical monuments, which have been found and identified by Houston. Therefore, based on the priority of calls and the error in the field notes, the western boundaries of G.C. & S.F. R.R. Co. Survey Nos. 1 and 30 are established based on the physical monuments resulting in a vacancy between the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30 and the Gonzales County School Land Survey.

16. The evidence produced is adequate to demonstrate the existence of a surveyor's mistake or error in making a call by projection or conjecture, which would result in the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30 and the Gonzales County School Land Survey not to adjoin.

17. In *Humble Oil & Refining Co. et al v. State et al*, 162 S.W. 2d 119 (Tex. Civ. App. 1942), the court noted that "[i]t is a matter of common knowledge that in the early years of the Republic's and State's development, when land values were very low, and the cost of surveying relatively thereto very high, surveyors often avoided what appeared to be unnecessary labor, and called for lines and corners by projection when this method could safely be used to produce reasonably accurate results. This fact probably accounts for a great many of the errors in early surveying which have been such a fruitful source of litigation in after years when the lands involved had become more valuable." *Id* at 127.

18. In *State v. Sullivan et al.*, 92 S.W. 2d 228 (Tex Civ. App. 1936), the court states that, "[even] in the absence of evidence proving that the call for adjoinder was made in mistaken belief as to the location of the adjoinder, . . . **where the facts conclusively show that the surveyor through mistake or by conjecture called for the adjoinder, the call for adjoinder does not control over course and distance, even though the line or corner called for was marked."** *Id.* at 233-4 (emphasis added). In such situations, mistaken calls for adjoinder will be rejected, and controlling effect given to course and distance from known and undisputed corners, when under the facts of the particular case such construction of the survey is most consistent with the intention to be derived from the entire description. This method of construction is most consistent with the true intention if its effect is to harmonize the other terms of the field notes and to disregard as few of the calls as possible.[32]

19. The record considered by this panel establishes that there exists a tract of 13.56 acres bounded on the west by Gonzales County School Land Survey, and the O.B. Robertson Survey

[32] *See Wilson v. Giraud*, 111 Tex. 253, 264, 231 S.W. 1074, 1078; *Porter v. State* (Tex. Civ. App.) 15 S.W. 2d 191, 193.

No. 1, bounded on the east by the G.C. & S.F. R.R. Co. Survey Nos. 1 and 30, bounded on the south by the G.C. & S.F. R.R. Co. Survey No. 2, and bounded on the north by the G.C. & S.F. R.R. Co. Survey No. 27, which is the subject of this Application.

20. The record considered by the panel provides clear and convincing evidence that the tract described in the preceding paragraph is vacant land because it is not in conflict on the ground with land previously titled, awarded, or sold; has not been listed on the records of the land office as public school land; and was not, on the application commencement date: (i) subject to an earlier subsisting application; (ii) subject to a vacancy application denied with prejudice; (iii) the subject of pending litigation relating to state ownership or possession of the land; or (iv) subject to a previous vacancy application that has been finally adjudicated by the commissioner or a court of this state or the United States:

IV. CONCLUSION

Based on the foregoing, and after a careful review of evidence, records, statutes, and case law relevant to the Application, the panel finds the Applicant has proven the existence of a vacancy as claimed and that the land alleged to be vacant in the Application is unsurveyed and untitled and constitutes a vacancy as defined by law. Therefore, it is the unanimous recommendation of the undersigned vacancy panel that the Commissioner issue a Final Order of **Vacant Land** in this matter pursuant to NRC § 51.188.

This recommendation to the Commissioner pursuant to NRC § 51.187(c) is hereby signed and submitted this 21st day of May, 2010.

Stacey Allison Steinbach, Chairman

David A. Pyle, LSLS, Member

Billy B. Mullens, Member

(50)

File No. SF-16589

Trion County

Findings of Fact + COL

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S Sugarek

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON, TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § § §	**SCRAP FILE NO. 16589**

FINAL ORDER OF LAND COMMISSIONER PURSUANT TO TEXAS NATURAL RESOURCES CODE SECTION 51.188

On October 31, 2008, Sarah E. Chapoton ("Applicant") filed an application to purchase vacant land ("Application") with the General Land Office under the provisions of Texas Natural Resources Code ("NRC") Sections 51.171 *et. seq.*, said land being described as follows:

> Being the Sarah E. Chapoton Survey bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O.B. Robertson Survey 1, Abstract No. 1261, on the North by the G.C. & S.F. R.R. Survey 27, Abstract No. 126, on the east by the G.C. & S.F. R.R. Survey 1, Abstract No. 114 and the G.C. & S.F. R.R. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Survey 2, Abstract No. 1071 in Irion County, Texas, situated approximately six miles southeast of Mertzon, Texas.

On November 10, 2009, a hearing was held before a three-member panel of Texas General Land Office staff to determine the existence of an alleged vacancy. After careful review of the evidence presented, the records of the General Land Office, and the recommendation of the Chief Surveyor of the General Land Office, I do hereby adopt the recommended Findings of Fact and Conclusions of Law, which are attached to this Final Order and incorporated herein by reference in their entirety.

I, therefore, hereby issue a Final Order finding 13.56 acres of VACANT LAND in this matter pursuant to NRC Section 51.188.

Signed by order and authority of the Commissioner of the General Land Office this 8th day of October, 2010.

JERRY PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

(51)

File No. SF-16589

Irion County

Final Order

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § § §	**SCRAP FILE NO. 16589**

IMPORTANT NOTICE
Texas Natural Resources Code § 51.188(e) and Title 31, Texas Administrative Code § 13.82, require that a NOTICE OF CLAIM OF VACANCY be filed in the real property records of the County Clerk and in the records of the County Surveyor in the county in which the subject land is located.

NOTICE OF CLAIM OF VACANCY

STATE OF TEXAS §
§
COUNTY OF IRION §

NOTICE IS HEREBY GIVEN under Section 51.188(e) of the Texas Natural Resources Code and Title 31, Texas Administrative Code Section 13.82, that on the _____ day of _____, 2010 the Commissioner of the General Land Office issued a Final Order finding VACANT LAND as alleged in a vacancy application filed on October 31, 2008 by Sarah E. Chapoton with the General Land Office under the provisions of Texas Natural Resources Code ("NRC") Sections 51.171 *et. seq.*, said land being 13.56 acres described as follows:

> Being the Sarah E. Chapoton Survey bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O.B. Robertson Survey 1, Abstract No. 1261, on the North by the G.C. & S.F. R.R. Survey 27, Abstract No. 126, on the east by the G.C. & S.F. R.R. Survey 1, Abstract No. 114 and the G.C. & S.F. R.R. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Survey 2, Abstract No. 1071 in Irion County, Texas, situated approximately six miles southeast of Mertzon, Texas.

Attached to this notice are the Final Order and a field note description of the VACANT LAND.

IN TESTIMONY WHEREOF, witness my hand and the seal of the Texas General Land Office, executed the 8th day of October, 2010.

By: _____
JERRY E. PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

After recording, return to:
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701-1495
Attn: Legal Services Division

(52)

File No. SF-16589

Irion County

Notice of Claim of Vacancy

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON, TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § § § §	**SCRAP FILE NO. 16589**

APPENDIX A

DOCUMENTS EXAMINED AND STAFF CONSULTED

In the matter of Sarah E. Chapoton Application to Purchase or Lease Vacant Land filed with the General Land Office on November 10, 2009 under the provisions of the Texas Natural Resources Code § 51.171 *et. seq.*, and pursuant to Title 31, Texas Administrative Code § 13.82 relating to the issuance of the Commissioner's Final Order and records of proceedings, GLO staff examined the documents listed below as "Items Reviewed for Report of Findings by GLO" and consulted with the following staff in making a recommendation to the Commissioner:

Jane Sarosdy, GLO Legal Services, Director, Coastal Law Team
Bill O'Hara, GLO Surveying Division, Director of Surveying
LaNell Aston, Executive Division, Office of Deputy Commissioner/Chief Clerk

ITEMS REVIEWED FOR REPORT OF FINDINGS BY GLO:

GLO Archive Files
Bexar-3rd-005125
Bexar-3rd-005247
Bexar-Scrip-025340
Bexar-Scrip-025341
Bexar-Scrip-025327
Bexar Scrip-025328
Bexar-Scrip-002714
School File-118170
School File-074903
School File-074858
School File-074859
Scrap File-007928

Maps/Plats
GLO Official Irion County Map

(53)

File No. SF-16589

Irion County

Appendix A

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order of Land Commissioner Jerry Patterson and attachments listed therein has been sent by First Class Mail on this 15th day of October, 2010 to the person(s) listed below regarding SF 16589 (Irion County).

Cheli Cook

Cheli Cook

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

Mr. Thomas J. Houston, LSLS
Wilson Land Surveying, Inc.
P. O. Box 3326
San Angelo, Texas 76901

Ms. Ruth E. Flournoy
6014 Deerwood
Houston, Texas 77057

Ms. Mary E. King
5401 Lynbrook Dr.
Houston, Texas 77056

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

Ms. Elizabeth E. Simpson
5555 Del Monte Drive, #2204
Houston, Texas 78837

Mr. C. Stacey Eastham, Jr.
1530 Mathews St.
Fort Collins, Colorado 80524

Ms. Camie Wade, Attorney- at-Law
Thompson & Kirby
4219 85th Street
Lubbock, Texas 79423

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Mr. Stanley Wright, as Bankrupcty Trustee for
Genevieve Davis
c/o Thomas Wheeler
P. O. Box 3736
Abilene, Texas 79604

Ms. Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

Mr. John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

Mr. Joseph Pratt
6225 Locke Lane
Houston, Texas 77057

DC Minerals, Inc.
P. O. Box 639
Comstock, Texas 78837

Indian Wells Company
1031 Andrews Highway, Suite 303
Midland, Texas 79701

Peter Evans & Anne W. Pratt, as Trustees of Pratt
1991 Trust
3637 Olympia Drive
Houston, Texas 77019

Ms. Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Mr. Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

JDMI, L.L.C.
P. O. Box 1520
Palestine, Texas 75802

Ms. Kelli Armstrong
P. O. Box 1073
Palestine, Texas 75802

Ms. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

First National Bank of West Texas,
as Trustee of Myrtle Williams Trust
36 West Beauregard
San Angelo, Texas 76903

Mr. Irve Ellis
13327 Oak Ledge Drive
Houston, Texas 77065

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Mr. Wilburn Williams
P. O. Box 1059
Mertzon, Texas 76941

Ms. Mary E. Williams
P. O. Box 1059
Mertzon, Texas 76941

Angelo Community Health Fund
3501 Knickerbocker Road
San Angelo, Texas 76904

Mr. Thomas H. Williams
P. O. Box 1059
Mertzon, Texas 76941

Mr. Wilburn Williams, Jr.
P. O. Box 1059
Mertzon, Texas 76941

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Mr. Oscar Simpson, III
803 West Kansas
Midland, Texas 79701

Mr. Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

Ms. Mary Francis Simpson
803 West Kansas
Midland, Texas 79701

Mr. John Chapoton, Jr.
510 Shadywood
Houston, Texas 77057

Ms. Clare Anderson
7721 Curtis Street
Chevy Chase, Maryland 20815

Mr. Frank Rose, Attorney
Smith, Rose & Finley
P. O. Box 2540
San Angelo, Texas 76902

TEXAS GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

October 15, 2010

VIA FIRST CLASS MAIL

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

RE: FINAL ORDER OF LAND COMMISSIONER JERRY PATTERSON on the Application to Purchase Vacant Land of Sarah E. Chapoton. (SF 16589).

Dear Ms. Chapoton:

As a necessary party to the application of Sarah E. Chapoton to purchase allegedly vacant land in Irion County, GLO Scrap File No. (SF) 16589, you are entitled to receive notification and a copy of the Commissioner's final order in this vacancy proceeding under Texas Natural Resources Code Section 51.188(b).

Thomas J. Houston, Licensed State Land Surveyor, performed the survey that formed the basis of this vacancy application. On November 10, 2009 a hearing was held in which evidence was presented regarding the existence of the alleged vacancy. Based on an examination of the evidence, including Houston's survey report, field notes, and survey plat, as well as materials in the GLO's files, the vacancy panel comprised of Stacey Steinbach, Billy Mullens and David Pyle issued Recommended Findings of Fact and Conclusions of Law to the Commissioner which found that the plat submitted by Houston correctly identifies the vacancy alleged in the application. The Commissioner adopted the Recommended Findings of Fact and Conclusions of Law and issued the attached Final Order of VACANT LAND and Notice of Claim of Vacancy in SF 16589 on October 8, 2010. Enclosed you will find the following documents:

(1) Final Order of the Land Commissioner dated October 8, 2010;
(2) Recommended Findings of Fact and Conclusions of Law & Appendix A; and
(3) Notice of Claim of Vacancy (The GLO will file this notice in the land records of Irion County at the appropriate time.)

The Final Order does not address any preferential rights to purchase the vacant land as a good-faith claimant under Texas Natural Resources Code Sections 51.193-195. The applicant has filed a good-faith claim based on its ownership interest in the property supported by deeds. If a factual basis exists, you may assert a preferential right to purchase the vacancy. As a necessary party, you have previously received a good-faith claimant affidavit and the supporting instructions. You may file the affidavit with the GLO no later than close of business on January

6, 2011. However, if you do not intend to assert a good-faith claim, the GLO can expedite the disposition of the vacancy if you send the GLO written notification to that effect at your earliest convenience. We will notify you when the Commissioner issues an order regarding the status of the good-faith claimant affidavits.

If you have any questions, please contact me via email david.land@glo.state.tx.us or at (512) 463-5450.

Sincerely,

David Land,
Staff Attorney

Enc.

(54)

File No. SF-16589

Irion County

Certif. of Serv. (10-15-10)

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S Sugarek

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order of Land Commissioner Jerry Patterson signed on October 8, 2010, and attachments listed therein was sent by First Class Mail to the person(s) listed below regarding SF 16589 (Irion County) and returned undeliverable.

Cheli Cook 6.9.11

Cheli Cook

Ms. Rue Ziegler
729 Sequoia Valley Road
Mill Valley, California

Ms. Maria Brewer
Winterbotham Estate and Trust Offices
515 Post Oak Boulevard, Suite 715
Houston, Texas 77027

Mr. John Winterbotham, III
8640 Guilford Road, Suite 344
Columbia, Maryland 21046

DC Minerals, Inc.
P. O. Box 639
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1031 Andrews Highway, Suite 303
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Peter Evans & Anne W. Pratt, as Trustees of Pratt
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3637 Olympia Drive
Houston, Texas 77019

Ms. Dixie Mayfield
P. O. Box 1666
Palestine, Texas 75802

Mr. Bob Pruktop
P. O. Box 2974
Corpus Christi, Texas 78403

Ms. Dorothy Ellis
1015 Austin
San Angelo, Texas 76903

Mr. Irve Ellis
11001 Crescent Moon Drive
Houston, Texas 77064

Marathon Oil Company
P. O. Box 552
Midland, Texas 79702

Mr. Oscar Simpson, III
4204 Fairwood Place
Midland, Texas 79707

October 15, 2010

VIA FIRST CLASS MAIL

Peter Evans & Anne W. Pratt, as Trustees of Pratt 1991 Trust
3637 Olympia Drive
Houston, Texas 77019

RE: FINAL ORDER OF LAND COMMISSIONER JERRY PATTERSON on the Application to Purchase Vacant Land of Sarah E. Chapoton. (SF 16589).

Dear Mr and Mrs. Pratt:

As a necessary party to the application of Sarah E. Chapoton to purchase allegedly vacant land in Irion County, GLO Scrap File No. (SF) 16589, you are entitled to receive notification and a copy of the Commissioner's final order in this vacancy proceeding under Texas Natural Resources Code Section 51.188(b).

Thomas J. Houston, Licensed State Land Surveyor, performed the survey that formed the basis of this vacancy application. On November 10, 2009 a hearing was held in which evidence was presented regarding the existence of the alleged vacancy. Based on an examination of the evidence, including Houston's survey report, field notes, and survey plat, as well as materials in the GLO's files, the vacancy panel comprised of Stacey Steinbach, Billy Mullens and David Pyle issued Recommended Findings of Fact and Conclusions of Law to the Commissioner which found that the plat submitted by Houston correctly identifies the vacancy alleged in the application. The Commissioner adopted the Recommended Findings of Fact and Conclusions of Law and issued the attached Final Order of VACANT LAND and Notice of Claim of Vacancy in SF 16589 on October 8, 2010. Enclosed you will find the following documents:

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(2) Recommended Findings of Fact and Conclusions of Law & Appendix A; and
(3) Notice of Claim of Vacancy (The GLO will file this notice in the land records of Irion County at the appropriate time.)

The Final Order does not address any preferential rights to purchase the vacant land as a good-faith claimant under Texas Natural Resources Code Sections 51.193-195. The applicant has filed a good-faith claim based on its ownership interest in the property supported by deeds. If a factual basis exists, you may assert a preferential right to purchase the vacancy. As a necessary party, you have previously received a good-faith claimant affidavit and the supporting instructions. You may file the affidavit with the GLO no later than close of business on January

6, 2011. However, if you do not intend to assert a good-faith claim, the GLO can expedite the disposition of the vacancy if you send the GLO written notification to that effect at your earliest convenience. We will notify you when the Commissioner issues an order regarding the status of the good-faith claimant affidavits.

If you have any questions, please contact me via email david.land@glo.state.tx.us or at (512) 463-5450.

Sincerely,

David Land,
Staff Attorney

Enc.

(55)

File No. SF-116589

Irion County

Certif. of Serv.-undeliverable

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Susan Sugarek - Final Order of Comm'r Irion County, Chapoton SF 16589 Mailout

From: Cheli Cook
To: Susan Sugarek
Date: 10/15/2010 3:21 PM
Subject: Final Order of Comm'r Irion County, Chapoton SF 16589 Mailout

8 1/2 x 11 paper 468 pieces (13 in each packet x 36)

36 9 x 12 envelopes

postage $1.22 ea x 36 = $43.92

(56)

File No. SF-16589

Irion County

Postage expense

Date Filed: 9-13-2011

Jerry E. Patterson, Commissioner

By S. Seguel

Susan Sugarek - Fwd: SF 16589 final order land vacancy Sarah E Chapoton in Irion county

From: Cheli Cook
To: LaNell Aston; Susan Sugarek
Date: 10/19/2010 2:23 PM
Subject: Fwd: SF 16589 final order land vacancy Sarah E Chapoton in Irion county
Attachments: SF 16589 final order land vacancy Sarah E Chapoton in Irion county

To whom it may concern:

I do not intend to assert a good-faith claim on the vacant land that Sarah E. Chapoton has applied to purchase in Irion County, GLO Scrap File. (SF) 16589.

Please notify me that this is sufficient notice. Thank you.

Ruth E. Flournoy
6014 Deerwood
Houston, TX 77057
713-977-7557 home
713-825-6670 cell

reflournoy@comcast.net

(57)

File No. SF-16589

Irion County

E-mail fm. R. Flournoy

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

THOMPSON & KERBY

P.O. BOX 65150
LUBBOCK, TX 79464
Tax ID# 75-1767251
(806) 793-7600

PR# 11-0268
K# 08-169-000-3292
Date: 11/12/10
OK/Pay:
A.G.C.
G.C.

TO SUSAN S. 11/22/10

November 09, 2010

Mr. David Land
Texas General Land Office
1700 North Congress
Avenue
PO Box 12873
Austin TX 78711-2873

In Reference To: Vacancy Application of Sarah E. Chapoton, Scrap File No. SF 16589 (Irion County)

Professional Services

			Hrs/Rate	Amount
10/7/2010	CW	Emails with Mr. Land requesting update and receiving update	0.15 185.00/hr	27.75
10/18/2010	CW	Receipt and review of Final Order of Land Commissioner Pursuant to Texas Natural Resources §51.88 and correspondence with same; receipt and review of Appendix A to FOF and COL; receipt and review of Vacancy Panel's Recommended Findings of Fact and Conclusions of Law; receipt and review of Notice of Claim of Vacancy	0.50 185.00/hr	92.50
10/29/2010	CW	Receipt and review of Final Order of Land Commissioner Pursuant to Texas Natural Resources Code §51.188	185.00/hr	NO CHARGE
		For professional services rendered	0.65	$120.25
		Previous balance		$18.50
8/31/2010		Payment - thank you		($18.50)
		Total payments and adjustments		($18.50)
		Balance due		$120.25

RECEIVED
NOV 12 2010
Texas General Land Office
Legal Services

(58)

File No. SF-16589

Irion County

11-9-2010 Ad litem bill

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

WILSON LAND SURVEYING, INC.

LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/653-3916 * FAX 325/655-1895
P.O. BOX 3326-ZIP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

WM. C. WILSON, JR.
R.P.L.S., L.S.L.S.
(1932-2005)

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.,
B.S.S

December 9, 2010

Vacancy Administrator
Legal Services Division
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

RE: Sarah E. Chapoton Survey S.F. 16589, Irion County, Texas

Enclosed please find a Good Faith Claimant Affidavit, field note description of the south portion of S.F. 16589 being claimed by Ms. Chapoton and Certified copy of Partition Deed recorded in Volume 126 Page 806 of the Official Public Records of Irion County, Texas. Also enclosed is a check in the amount of $75.00 to file these documents.

The Notice of Claim of Vacancy has been sent to the Irion County Clerk for recording and will be forwarded to your office in the near future.

If you haave any questions or need additional information please contact me.

Sincerely,

Thomas J. Houston

WILSON LAND SURVEYING, INC.
LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/651-3916 * FAX 325/655-1895
P.O. BOX 3126-ZIP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

December 9, 2010

Vacancy Administrator
Legal Services Division
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

RE: Sarah E. Chapoton Survey S.F. 16589, Irion County, Texas

Enclosed please find a Good Faith Claimant Affidavit, field note description of the south portion of S.F. 16589 being claimed by Ms. Chapoton and Certified copy of Partition Deed recorded in Volume 126 Page 896 of the Official Public Records of Irion County, Texas. Also enclosed is a check in the amount of $75.00 to file these documents.

The Notice of Claim of Vacancy has been sent to the Irion County Clerk for recording and will be forwarded to your office in the near future.

If you haave any questions or need additional information please contact me.

Sincerely,

Thomas E. Wilson

RECEIVED
DEC 14 2010
Texas General Land Office
Legal Services

157
$25.00 - GFC F/F
25.00 - Deed "
25.00 - F/N "

WILSON LAND SURVEYING, INC.
1514 W. BEAUREGARD PH. 325-653-3916
SAN ANGELO, TX 76901

11703357 7539

DATE 12-9-10

88-687/1113
83

PAY TO THE ORDER OF Texas General Land Office $ 75.00

Seventy five & no/100 DOLLARS

(59)

File No. SF-16589

Irion County

Ltr. fm Wilson Surv.

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Good-Faith Claimant Affidavit (form)

STATE OF TEXAS §
§
COUNTY OF IRION §

SF/MA SF 16589

County IRION

AFFIDAVIT
(Good-Faith Claimant)
[PLEASE PRINT LEGIBLY OR TYPE. CLAIMANT SHOULD MODIFY AS APPROPRIATE.]

The undersigned, being first duly sworn on oath, states as follows:

"My name is Sarah E Chapoton. I am over eighteen years of age and I reside at the following address: 18 West Kirk Street, Chevy Chase, MD 20815."

"I, or my business entity NA **[name of business entity]**, as the case may be, claim status as a good-faith claimant of approximately (2.77) acres out of the alleged vacancy in IRION County, Texas, described in the Application to Purchase or Lease Vacant Land, filed by SARAH E. CHAPOTON (Applicant), SF No. 16589. A plat, map, diagram, or other description, approximately depicting the portion of the vacancy to which I claim status as a good-faith claimant is attached to this affidavit as Exhibit A." **[Please attach an approximate description, marked as "Exhibit A."]**

[Instructions: Affiant should complete only the one option below that describes his or her claims, and cross out the others with an "x." Attach additional sheets to this affidavit form if necessary.]

Option 1 – Choose if asserting both surface and mineral claims:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above, for various purposes including exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

_____

_____

_____."

Option 2 – Choose if asserting surface claim only:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

_____

_____

_____."

Option 3 –Choose if asserting mineral, royalty or leasehold claims only:

"I, or my business entity_____ **[name of business entity]**, used the alleged vacancy for the purpose of exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy at the following times and in the following manner:

_____

_____

_____."

Option 4 – Choose if asserting easement or right-of way claim:

"I, or my business entity_____ **[name of business entity]**, used the alleged vacancy for the purpose of an easement or right-of-way for the following times and purpose(s):

_____

_____

_____."

Option 5 – Choose if asserting claim based on recognized boundaries for at least 10 years: "I, or to the best of my knowledge and belief, my predecessors in interest, have had the alleged vacancy enclosed or within definite recognized boundaries and in possession for a period of ten (10) or more years with a good-faith belief that the alleged vacancy was included inside the boundaries of the survey or surveys that were previously titled, awarded or sold under circumstances that led me to believe that I own the alleged vacancy.

"I acquired the alleged vacancy in the following manner, from following party(ies), and on the following dates:

SEE ATTACHED PARTITION DEED DATED 12-1-1997
VOL 126 P. 806 OFFICIAL PUBLIC RECORDS OF IRION CO."

"I have paid real estate taxes on the alleged vacancy for the following years:_____

_____."

Option 6 – Choose if asserting claim as the owner of land that adjoins land alleged to be vacant.

"I own property that adjoins the alleged vacancy in the following manner:

_____

_____

_____

_____."

Provide additional statements, if any, in support of this good-faith claim:

"_____

_____

_____."

SIGNATURE: _____

(Good-Faith Claimant)

SUBSCRIBED AND SWORN TO BEFORE ME by _____

on the _____ day of _____, 20____.

(Notary Seal)

_____

Notary Public, State of Texas

My Commission Expires: _____

DAN OLA GILMER, JR.
Notary Public, Montgomery County, MD
My Commission Expires June 16, 200

(60)

File No. SF-16589

Irion County

GFC Affid. - S. Chapoton

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

15-37-10

17762

PARTITION DEED

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF IRION §

That WHEREAS, we, C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, each dealing herein with his or her separate property and not joined herein by spouses because none of the property herein involved is homestead of any of the parties, have and own in common the lands hereinafter mentioned and, except as to the 40-acre Headquarters Tract described on Exhibit "B" attached hereto and incorporated herein, desire to make a partition of the surface of said lands as set forth in this agreement;

NOW, THEREFORE, in consideration of the premises and to effect such partition, it is hereby COVENANTED, GRANTED and AGREED by and between such parties, and each of them COVENANTS, GRANTS and AGREES for himself or herself, and his or her heirs and assigns, that a partition of said lands be made as follows:

1. That C. STACEY EASTHAM, JR., shall from the date of this Deed own, have, hold and possess by and to himself, his heirs and assigns, as his separate property for his use and benefit, the SURFACE ONLY of the lands described as Third Tract in Exhibit "A" attached hereto and incorporated herein by reference, and RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said C. STACEY EASTHAM, JR., the SURFACE of said lands described as Third Tract in Exhibit "A" as his sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said C. STACEY EASTHAM, JR., as his sole and separate property and his heirs and assigns forever.

2. That RUTH EASTHAM FLOURNOY shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as First Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said RUTH EASTHAM FLOURNOY the SURFACE of said lands described as First Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said RUTH EASTHAM FLOURNOY as her sole and separate property and her heirs and assigns forever.

3. That MARY EASTHAM KING shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as Second Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said MARY EASTHAM KING the SURFACE of said lands described as

COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears of record in the County Clerk's Office County, Texas

Second Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said MARY EASTHAM KING as her sole and separate property and her heirs and assigns forever.

4. That SARAH EASTHAM CHAPOTON shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of the lands described as Fourth Tract in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY and MARY EASTHAM KING do GRANT, RELEASE and CONFIRM unto the said SARAH EASTHAM CHAPOTON the SURFACE of said lands described as Fourth Tract in Exhibit "A" as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said SARAH EASTHAM CHAPOTON as her sole and separate property and her heirs and assigns forever.

5. Except as to the provisions of paragraph 10 hereof which do apply, it is expressly understood and agreed that this partition is not intended to affect and shall not affect the ownership of the Headquarters Tract described as the Headquarters Reservation on Exhibit "B" hereto and that the ownership of said Headquarters Tract shall remain undivided.

6. It is expressly understood and agreed that this Partition Deed is not intended to affect and shall not affect the ownership of oil, gas and other minerals and royalty therein underlying said lands, and that the ownership of said oil, gas and other minerals and royalty therein shall remain undivided.

7. It is expressly understood and agreed that this Partition Deed is made subject to that certain Private Road Easement executed by Ruth Eastham Flournoy et al dated September 8, 1992, recorded in Volume 96, Page 690, Deed Records of Irion County, Texas, and that each of the parties hereto expressly reserves all of his or her rights under said easement.

8. All expressed or implied liens in favor of the respective parties hereto resulting from the partitioning of the lands as above set forth are hereby expressly released in favor of the party to whom such lands are partitioned.

9. If any formal words of conveyance other than those used herein are necessary in order that this instrument effectuate each and every purpose and end intended in accordance with the above recitals, then such formal words shall be read into this instrument just as though placed herein before execution.

10. In the event any of the parties hereto (hereafter called the "Selling Owner") shall desire to sell his or her undivided interest in the 40-acre Headquarters Tract, then the other parties hereto (hereafter called the "Remaining Owners") shall have the option to purchase the such undivided interest. To exercise this option the Remaining Owners, within ninety (90) days following written notice from Selling Owner of said Owner's desire to sell, must notify the Selling Owner of the Remaining Owners' desire to exercise such option. If such notice is not given, then the Selling Owner shall be free to sell the Property to any willing buyer. In the

COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears
of record in the County Clerk's Office,
Irion County, Texas

event the Remaining Owners give notice of their desire to exercise the option within the specified time, then upon such notice, the Selling Owner and the Remaining Owners shall select an appraiser who is a member of the American Institute of Real Estate Appraisers and such appraiser shall proceed to value the undivided interest, which value so determined shall become the purchase and sales price of the undivided interest. The cost of such appraisal shall be borne one-half (1/2) by the Selling Owner and one-half (1/2) by the Remaining Owners. Within thirty (30) days from the date such appraiser has made such appraisal, the Remaining Owners may purchase, for cash, the undivided interest. If less than all of the Remaining Owners elect to purchase the Property, then the Remaining Owners who so elect or the Remaining Owner who so elects may purchase the entire interest in the undivided interest. If none of the Remaining Owners elect to purchase such undivided interest then the Selling Owner shall be free to sell such undivided interest to any willing buyer.

11. The parties executing this Deed agree to give at least one of the other parties three (3) months written notice of such party's intention to sell all or part of that party's tract. No notice of intention to sell shall be required of a grantee of any of the parties.

12. This Partition Deed may be executed in multiple counterparts and all counterparts taken together shall constitute one deed.

IN WITNESS WHEREOF, we set our hands this the 1 day of December, 1997.

C. STACEY EASTHAM, JR.

RUTH EASTHAM FLOURNOY

MARY EASTHAM KING

SARAH EASTHAM CHAPOTON

VOL 126 PG 808

True and Correct Copy as the same appears of record in the County Clerk's Office, County, Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 1997, by C. STACEY EASTHAM.

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on December 16, 1997, by RUTH EASTHAM FLOURNOY.

TINA GANDY
MY COMMISSION EXPIRES
February 28, 2000

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 1997, by MARY EASTHAM KING.

_____
Notary Public, State of Texas

DISTRICT OF COLUMBIA §

This instrument was acknowledged before me on _____, 1997, by SARAH EASTHAM CHAPOTON.

_____
Notary Public, District of Columbia

WP\REALEST\SMITH\EASTHAM.DED\gt\11-13-97

COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

EXHIBIT "A"

Descriptions for division of that portion of 10,717.43 acres of land more or less, described on Schedule 1 of road easement document recorded in Vol. 96 pg. 685 Official Public Records Irion County, Texas that lies South of the line described on Schedule 2 of said road easement document recorded in Vol. 96 pg. 685, Official Public Records Irion County, Texas, said lands being located in Irion County, Texas, approximately 25 miles Southwest of San Angelo, Texas, and 8 miles Southeast of Mertzon, Texas.

FIRST TRACT

Being 1,702 acres of land more or less, off of the East side of that part of said 10,717.43 acres of land, more or less, described in Schedule 1 of said road easement document above referenced lying South of the line described in Schedule 2 of said road easement document above referenced comprised of all that part of C.E.P.I. & M. Co. Survey No. 1, A-58, being 566.80 acres of land more or less, contained within said 10,717.43 acres of land, all of H.M. Wallis Survey 3, Abstract 1252, all of Frederick Munk Survey 785, A-479 lying South of line described in said Schedule 2, the East 80 acres of Wilhelm Schuler Survey 784, A-528, the East 545 acres of land out of H. & T.C. R.R. Co. Surveys 34 and 42, A-1073 & A-1070 being that part of said Surveys lying East of a line drawn Northerly from the South line of said Survey 34 parallel to its East line and extending to a North line of said Survey 42 which is the South line of Wilhelm Schuler Survey 783, A-527 sufficient distance Westerly from the East line of said Surveys 34 and 42 to contain 545 acres out of the East part of said two Surveys, and all that part of J.C. Brandes Surveys 786 & 787, A-27 & A-28 contained within said 10,717.43 acres of land, more or less, and lying South of the line described in said Schedule 2 of said road easement document above referenced.

SECOND TRACT

1,924 acres of land, more or less, being a central part of said 10,717.43 acres of land, more or less, and comprised of all of H. & T.C. R.R. Co. Survey 41, A-425, Block 21, all of L. B. Cocke Survey 42 1/2, Abstract 1283, all that part of H. & T.C. R.R. Co. Surveys 34 and 42, A-1073 & A-1070, Block 21, Save and Except the East 545 acres of said two Surveys which said 545 acres lays East of a line extending Northerly from the South line of said Survey 34 drawn parallel to its East line and extending across said Survey 42 to a North line thereof which is also the South line of Wilhelm Schuler Survey 783, A-527, sufficient distance Westerly to contain said 545 acres, all of Wilhelm Schuler Survey 784, A-528 save and except the East 80 acres thereof, all of Wilhelm Schuler Survey 783, A-527, and all that part of J.H. Weisheit Survey 782, A-652 lying Southeasterly of that part of Dove Creek extending Easterly from the "Headquarters" 40 acre reserved tract, and lying Easterly and Southerly from the East

COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

boundary and South boundary of said Headquarters "40 acres" tract and Southeasterly from the centerline of road described in Exhibit A attached to road easement document recorded in Vol. 96 pg. 685 Official Public Record Irion County, Texas, and also all that part of G.C. & S.F. R.R. Co. Survey 1, A-114 lying Southeast of the centerline of said Westerly part of road easement described in said Exhibit A and lying North of a Westward projection of the North line of L.B. Cocke Survey 42 1/2 (also known as H. & T.C. R.R. Co. Block 21) A-1283.

THIRD TRACT PART 1

Being 2,217 acres more or less, out of the Southwest part of said 10,717.43 acres of land, more or less, comprised of all of G.C. & S.F. R.R. Co. Survey 5, A-116, all of G.C. & S.F. R.R. Co. Survey 6, A-1100, all of G.C. & S.F. R.R. Co. Survey 3, A-115, and all that part of O.B. Robertson, Survey 1, A-1261, contained within said 10,717.43 acres of land more or less.

THIRD TRACT PART 2

Being 95 acres of land more or less, out of the middle North part of said 10,717.43 acres of land, more or less, comprised of all that part of Gottlieb Eberle Survey 779, A-763 lying South of line described in Schedule 2 of said road easement document recorded in Vol. 96 pg. 685 Official Public Records of Irion County, Texas, and the East 61 acres, more or less, of that part of Jacob Pfeiffer Survey 780, A-499 lying South of line described in said Schedule 2.

FOURTH TRACT

Being 2,184 acres of land more or less, out of the Northwest part of that part of said 10,717.43 acres of land, more or less lying South of the line described in Schedule 2 of said road easement document above referenced, comprised of all of G.C. & S.F. R.R. Co. Survey 2, A-1071, all of G.C. & S.F. R.R. Co. Survey 1, A-114, save and except the part thereof lying Southeast of the centerline of the Western part of road described in Exhibit A attached to Road Easement Document recorded in Vol. 96 pg. 685, Official Public Records Irion County, Texas, and lying North of a Westward projection of the North line of L.B. Cocke Survey 42 1/2 (also known as H. & T.C. R.R. Co. Block 21) A-1283, all that part of J.H. Weisheit Survey 782, A-652 lying Northwesterly of the Northwest part of the center of said road described in said Exhibit A and lying Westerly and Northerly from the "Headquarters 40 acre" reserved tract and lying Northerly from that part of Dove Creek extending Easterly across said Survey 782 from said "40 acre" Headquarters tract, all of Jacob Pfeiffer Survey 780, A-499 lying South of the line described in said Schedule 2, save and except the East 61 acres of said part lying South of said line described in

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

said Schedule 2, all of Jacob Pfeiffer Survey 781, A-498 lying South of the line described in said Schedule 2, all of G.C. & S.F. R.R. Co. Survey 31, A-128 lying South of line described in said Schedule 2, and all of G.C. & S.F. R.R. Co. Survey 30, A-1130, lying Southerly from line described in said Schedule 2 together with all of any part of G.C. & S.F. R.R. Co. Survey 27, A-126 lying South of the line described in said Schedule 2.

COUNTY COURT OF RISON COUNTY, TEXAS
True and Correct Copy as the same appears of record in the County Clerk's Office, Rison County, Texas

EXHIBIT "B"

HEADQUARTERS RESERVATION

Being 40.00 acres of land in the form of a square on which the Headquarters Spring on Dove Creek is located, said 40.00 acres being described by metes and bounds as follows:

Beginning at a point for the N.E. corner of said 40.00 acre tract located 2638.80 feet S.11°01'11"E. from car axle found for the Original S.E. corner of G.C. & S.F. R.R. Co. Survey 30 and the Original S.W. corner of G.C. & S.F. R.R. Co. Survey 31 on the North line of J.H. Weisheit Survey 782, Abstract 652. This 40.00 acres is a part of said Survey 782.

Thence South 1320.00 feet to a point for the S.E. corner of this tract from which said Spring bears N.45°00'00"W. 933.38 feet.

Thence West 1320.00 feet to a point for the S.W. corner of this tract from which said Spring bears N.45°00'00"E. 933.38 feet.

Thence North 1320.00 feet to a point for the N.W. corner of this tract from which car axle marked "NE 1 JJG" found in stone mound for the Original N.W. corner of said Survey 82 and the N.E. corner of G.C. & S.F. R.R. Co. Survey 1 bears N.31°29'48"W. 3080.48 feet.

Thence East 1320.00 feet to the place of beginning, and containing 40.00 acres of land.

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the county clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 11-16 20 20
BY Michelle Cameron
Deputy Clerk
Cori Manning
County Clerk

FILED
AT 9:34 O'CLOCK A M
ON THE 6 DAY OF April
A.D., 19 98.
Reba Criner
County Clerk, Irion Co., Texas
BY Meredith Hora
DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.
Reba Criner
County Clerk, Irion County, Texas
VOL. 126 PAGE 806
RECORDED 4/6/98

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

(61)

File No. SF-16589

Irion County

Partition Deed - 17762

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

#273560 Book 0186 Page 0941

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § § §	**SCRAP FILE NO. 16589**

IMPORTANT NOTICE

Texas Natural Resources Code § 51.188(e) and Title 31, Texas Administrative Code § 13.82, require that a NOTICE OF CLAIM OF VACANCY be filed in the real property records of the County Clerk and in the records of the County Surveyor in the county in which the subject land is located.

NOTICE OF CLAIM OF VACANCY

STATE OF TEXAS	§	
	§	
COUNTY OF IRION	§	

NOTICE IS HEREBY GIVEN under Section 51.188(e) of the Texas Natural Resources Code and Title 31, Texas Administrative Code Section 13.82, that on the 8th day of OCTOBER, 2010 the Commissioner of the General Land Office issued a Final Order finding VACANT LAND as alleged in a vacancy application filed on October 31, 2008 by Sarah E. Chapoton with the General Land Office under the provisions of Texas Natural Resources Code ("NRC") Sections 51.171 *et. seq.*, said land being 13.56 acres described as follows:

> Being the Sarah E. Chapoton Survey bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O.B. Robertson Survey 1, Abstract No. 1261, on the North by the G.C. & S.F. R.R. Survey 27, Abstract No. 126, on the east by the G.C. & S.F. R.R. Survey 1, Abstract No. 114 and the G.C. & S.F. R.R. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Survey 2, Abstract No. 1071 in Irion County, Texas, situated approximately six miles southeast of Mertzon, Texas.

Attached to this notice are the Final Order and a field note description of the VACANT LAND.

IN TESTIMONY WHEREOF, witness my hand and the seal of the Texas General Land Office, executed the 8th day of October, 2010.

By: Jerry E. Patterson

JERRY E. PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

After recording, return to:
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701-1495
Attn: Legal Services Division

COUNTY COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON, TO PURCHASE VACANT LAND, IRION COUNTY, TEXAS	§ § § § § §	**SCRAP FILE NO. 16589**

FINAL ORDER OF LAND COMMISSIONER PURSUANT TO TEXAS NATURAL RESOURCES CODE SECTION 51.188

On October 31, 2008, Sarah E. Chapoton ("Applicant") filed an application to purchase vacant land ("Application") with the General Land Office under the provisions of Texas Natural Resources Code ("NRC") Sections 51.171 *et. seq.*, said land being described as follows:

> Being the Sarah E. Chapoton Survey bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O.B. Robertson Survey 1, Abstract No. 1261, on the North by the G.C. & S.F. R.R. Survey 27, Abstract No. 126, on the east by the G.C. & S.F. R.R. Survey 1, Abstract No. 114 and the G.C. & S.F. R.R. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Survey 2, Abstract No. 1071 in Irion County, Texas, situated approximately six miles southeast of Mertzon, Texas.

On November 10, 2009, a hearing was held before a three-member panel of Texas General Land Office staff to determine the existence of an alleged vacancy. After careful review of the evidence presented, the records of the General Land Office, and the recommendation of the Chief Surveyor of the General Land Office, I do hereby adopt the recommended Findings of Fact and Conclusions of Law, which are attached to this Final Order and incorporated herein by reference in their entirety.

I, therefore, hereby issue a Final Order finding 13.56 acres of VACANT LAND in this matter pursuant to NRC Section 51.188.

Signed by order and authority of the Commissioner of the General Land Office this 8th day of October, 2010.

JERRY PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

12-16-10

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the county clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 12-13-10
BY Michelle Jameson
Deputy Clerk
Cori Manning
County Clerk

FILED
AT 1:15 O'CLOCK P M
ON THE 13 DAY OF Dec.
A.D., 20 10
INS. NO. 27356
Cori Manning
County Clerk, Irion Co., Texas
Michelle Jameson DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.
Michelle Jameson Deputy
Cori Manning
County Clerk, Irion County, Texas
VOL. 186 PAGE 941
RECORDED 12-13-10

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

12.16.10

THE STATE OF TEXAS §
§ SURVEY NO. _____
COUNTY OF IRION §

See Irion County Rolled Sketch No. 25

FIELD NOTES of a survey of 13.56 acres of land made for Sarah E. Chapoton, by virtue of her application to purchase or lease vacant land filed with the Commissioner of the General Land Office, Austin, Texas on the 31st day of October, 2008, under the laws regulating the sale and lease of unsurveyed school land. Said land is situated in Irion County about 6 miles S.40°E. from Mertzon, the County Seat, and is described by metes and bounds as follows, to wit:

Beginning at a 5' tall galvanized iron pipe found and long recognized as the SE corner of Gonzales County School Land, Abstract 97 and the NE corner of O.B. Robertson Survey 1, Abstract 1261 from which a 38" live oak bears N.18°18'E. 10.7 varas, a 40" live oak bears N.46°38'W. 16.5 varas and a corner post bears S.42°11'E. 0.9 varas. Said galvanized iron pipe having coordinates on the Texas Coordinate System of 1927 - Central Zone of Y=196,635.62 varas and X=672,954.23 varas.

Thence with the east line of said Gonzales County School Land and along or near a fence, N.0°38'55"E. 4380.35 varas to a 3/8" spike found in a stone mound in fence for a southwest corner of G.C. & S.F. R.R. Co. Survey 27, Abstract 126 and the NW corner of this survey from which a car axle marked "JJG XX" found on the east side of a corner post for the NE corner of said Gonzales County School Land bears N.0°38'55"E. 591.49 varas.

Thence with the south line of said Survey 27, N.89°28'34"E. 22.22 varas to a point for the most westerly NW corner of G.C. & S.F. R.R. Co. Survey 30, Abstract 1130 and the NE corner of this survey from which a car axle marked "SE 27 JJG" found in a stone mound for the Original SE corner of said Survey 27 and ell corner of said Survey 30 bears N.89°28'34"E. 48.00 varas.

Thence with the west line of said Survey 30, S.0°47'32"W. 1087.71 varas to a car axle found for the original SW corner of said Survey 30 and the original NW corner of G.C. & S.F. R.R. Co. Survey 1, Abstract 114.

Thence with the west line of said G.C.& S.F. R.R. Co. Survey 1, S.0°47'32"W. 3872.00 varas to a point in the north line of G.C.& S.F. R.R. Co. Survey 2, Abstract 1071 for the SW corner of said G.C. & S.F. R.R. Co. Survey 1 and the SE corner of said O.B. Robertson Survey 1 from which a car axle found in a stone mound for the NE corner of said Survey 2 bears S.89°13'16"E. 783.52 varas.

Thence with the east line of said Robertson Survey 1, N.0°19'13"W. 578.96 varas to the place of beginning and containing 13.56 acres of land.

CONTROL: N.G.S. Triangulation Station Akinson
Data for Station Akinson
Y=229,649.73 varas, X=712,253.12 varas,
Theta Angle = -0°02'08", Scale factor = 0.9999084,
Elevation factor = 0.9999099 (all at Akinson).
All courses, distances and coordinates recited herein are those of the Texas Coordinate System of 1927 - Central Zone.

FIELD SURVEY PERSONNEL: Gerald R. Price and Brad S. McCoy

Surveyed by on the ground June 1992 thru July 23, 2008.

I, Thomas J. Houston, Licensed State Land Surveyor of Tom Green County, Texas do hereby certify that the foregoing survey was made on the ground according to law, and on the date and with the field survey personnel aforesaid and that the limits, corners and boundaries with the marks of the same, natural and artificial, are truly and correctly

COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears of record in the County Clerk's Office. Irion County, Texas

described and set forth in the foregoing field notes and accompanying plat of survey and report of survey, just as I found or set them on the ground.

Thomas J. Houston
Licensed State Land Surveyor
San Angelo, Texas

Filed for record in my office, the 31 day of October, 2008, at 11:34 A o'clock A M, and duly recorded the 31 day of October 2008, in Vol. 176, Page 672 of the Official Public Records of Irion County, Texas.

Cori Manning,
County Clerk

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the county clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 12-13-2010
BY Michelle Samedon
Deputy Clerk — Cori Manning, County Clerk

True and Correct Copy as the same appears of record in the County Clerk's Office.
Irion County, Texas

VOL 176 PAGE 678

File No. (62) SF-16589

Irion County

Recorded Notice of Claim

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

27316

EXHIBIT "A"

THE STATE OF TEXAS §
§
COUNTY OF IRION §

South part of
Sarah E. Chapoton
Survey S.F. 16589

See Irion County Rolled Sketch No. 25

FIELD NOTES of a survey of 12.77 acres of land made for Sarah E. Chapoton, by virtue of her application to purchase or lease vacant land filed with the Commissioner of the General Land Office, Austin, Texas on the 31st day of October, 2008, under the laws regulating the sale and lease of unsurveyed school land. Said land is situated in Irion County about 6 miles S.40°E. from Mertzon, the County Seat, and is described by metes and bounds as follows, to wit:

Beginning at a 5' tall galvanized iron pipe found in the west line of S.F. 16589 long recognized as the SE corner of Gonzales County School Land, Abstract 97 and the NE corner of O.B. Robertson Survey 1, Abstract 1261 from which a 38" live oak bears N.18°18'E. 10.7 varas, a 40" live oak bears N.46°38'W. 16.5 varas and a corner post bears S.42°11'E. 0.9 varas. Said galvanized iron pipe having coordinates on the Texas Coordinate System of 1927 - Central Zone of Y=196,635.62 varas and X=672,954.23 varas.

Thence with said west line of S.F. 16589 and the east line of said Gonzales County School Land and along or near a fence, N.0°38'55"E. 4179.65 varas to a point in fence for the NW corner of this survey and the SW corner of the 0.79 acre north part of S.F. 16589 from which a 5/8" iron rod with cap marked "RPLS 4261" set at corner post for witness bears N.75°09'01"W. 1.23 varas and a 3/8" spike found in a stone mound in fence for a southwest corner of G.C. & S.F. R.R. Co. Survey 27, Abstract 126 and the NW corner of said S.F. 16589 bears N.0°38'55"E. 200.70 varas.

Thence with the south line of said 0.79 acre north part of S.F. 16589 and along or near a fence, S.75°09'01"E. 22.38 varas to a point in the east line of S.F. 16589 and west line of G.C. & S.F. R.R. Co. Survey 30, Abstract 1130 for the SE corner of said 0.79 acre north part of S.F. 16589 and the NE corner of this survey from which a 5/8" iron rod with cap marked "RPLS 4261" set on north side of fence for witness bears N.22°39'03"E. 0.22 varas and a point for the NE corner of S.F. 16589 bears N.0°47'32"E. 206.65 varas.

Thence with said east line of S.F. 16589 and said west line of Survey 30, S.0°47'32"W. 881.06 varas to a car axle found for the original SW corner of said Survey 30 and the original NW corner of G.C. & S.F. R.R. Co. Survey 1, Abstract 114.

Thence with said east line of S.F. 16589 and the west line of said G.C.& S.F. R.R. Co. Survey 1, S.0°47'32"W. 3872.00 varas to a point in the north line of G.C.& S.F. R.R. Co. Survey 2, Abstract 1071 for the south corner of S.F. 16589, the SW corner of said G.C. & S.F. R.R. Co. Survey 1 and the SE corner of said O.B. Robertson Survey 1 from which a car axle found in a stone mound for the NE corner of said Survey 2 bears S.89°13'16"E. 783.52 varas.

Thence with said west line of S.F. 16589 and the east line of said Robertson Survey 1, N.0°19'13"W. 578.96 varas to the place of beginning and containing 12.77 acres of land.

CONTROL: N.G.S. Triangulation Station Akinson
Data for Station Akinson
Y=229,649.73 varas, X=712,253.12 varas,
Theta Angle = -0°02'08", Scale factor = 0.9999084,
Elevation factor = 0.9999099 (all at Akinson).
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Surveyed on the ground June 1992 thru July 23, 2008.

I, Thomas J. Houston, Licensed State Land Surveyor of Tom Green County, Texas do hereby certify that the foregoing survey was made on the ground according to law, and on the date and with the field survey personnel aforesaid 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 foregoing field notes, just as I found or set them on the ground.

Thomas J. Houston
Licensed State Land Surveyor
San Angelo, Texas

Filed for record in my office, the _____ day of _____, 2010, at _____ o'clock ____M, and duly recorded the _____ day of _____ 2010, in Vol. _____, Page _____ of the Official Public Records of Irion County, Texas.

Cori Manning,
County Clerk

FILED
AT 10:55 O'CLOCK A M
ON THE 22 DAY OF NOV.
A.D., 20 10
INS. NO. 27316

Cori Manning
County Clerk, Irion Co., Texas
By Michelle Jameson DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.

Michelle Jameson Deputy
Cori Manning
County Clerk, Irion County, Texas
VOL. 186 PAGE 606
RECORDED 12-01-10

VOL 186 PAGE 607

(63)

File No. SF-16589

Irion County

Fld. notes (12 Mars.)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

GENERAL LAND OFFICE
RESTRICTED APPRAISAL REPORT

FUNCTION OF APPRAISAL: Estimate Market Value **Project ID:** 11-6374

CLIENT: Asset Management Division

APPRAISER: D'Wayne Gannon

DATE OF REPORT: March 15, 2011.

EFFECTIVE DATE OF THE APPRAISAL: March 10, 2011

PROPERTY SIZE: 13.56 acres

FILE NUMBER: SF-16589

LEGAL DESCRIPTION: Sarah E. Chapoton Survey

COORDINATES: N 31 10' 5.399" W 100 45' 2.842"Corner post at the intersection of the east and north County Road.

COUNTY: Irion

PROPERTY INTEREST APPRAISED: SURFACE ONLY

SUMMARY OF VALUES

Value Indicated by the Sales Comparison Approach:	**$10,712 ($790/acre)**
Value Indicated by Cost Approach:	**N/A**
In my opinion the market value of the subject property is:	**$10,712 ($790/acre)**

PURPOSE AND INTENDED USE OF APPRAISAL: TO ESTIMATE MARKET VALUE FOR DISPOSITION AND MANAGEMENT PURPOSES.

SCOPE OF APPRAISAL: The objective of this report is to convey as much information as possible to adequately answer the questions of highest and best use and formulate an opinion of market value for a vacancy land purchase by Sarah E. Chapoton and Elizabeth E. Simpson . The appraisers followed the following steps in gathering and assembling this information for the report.

D'Wayne Gannon inspected the subject land and comparable sales on March 10, 2011. Geological Topographic Survey maps were used to locate the land and visualize terrain features along and variations in land types and uses. Local knowledgeable sources were contacted to secure information on the property along with carrying capacities and grazing leases, if any. Information secured from the Central Appraisal District was utilized to provide names and addressees of the surrounding landowners.

GENERAL LAND OFFICE
RESTRICTED APPRAISAL REPORT

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D'Wayne Gannon inspected the subject land and comparable sales on March 10, 2011. Geological Topographic Survey maps were used to locate the land and visualize terrain features along and variations in land types and uses. Local knowledgeable sources were contacted to secure information on the property along with carrying capacities and grazing leases, if any. Information secured from the Central Appraisal District was utilized to provide names and addressees of the surrounding landowners.

HISTORY OF THE PROPERTY: **A** Vacancy acreage containing 13.56 acres found to exist as described in a survey prepared by Thomas J. Houston, further known as the Sarah E. Chapoton Survey, SF #16589, Irion County, Texas.

SPECIAL REMARKS: The Sarah E. Chapoton Survey, SF #16589 is located approximately 8 miles southeast of Mertzon, Irion County, Texas. The majority of the survey now lies with in newly re-located County Road #113 right-o-way. The vacancy was found during a partition survey of the 10,717.43 acre parent tract. The vacancy is located inside the two applicants fenced land holdings. The only other adjoining land owner is W.C. and Mary Williams, P.O. Box 1059, Mertzon, Texas. They adjoin the subject vacancy tract on the west side within the Gonzales School Land Survey.

MARKET VALUE DEFINED

Market Value, as used herein, is defined by the Appraisal Foundation as "The most probably price which a property should bring in a competitive market, under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

a. buyer and seller are typically motivated;

b. both parties are well informed or well advised, and acting in what they consider their own best interests;

c. a reasonable time is allowed for exposure in the open market;

d. payment is made in terms of cash in U.S Dollars or in terms of financial arrangements comparable thereto; and.

e. the price represents the normal consideration for property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

SITE INFORMATION

Annual Rainfall (yearly average/inches): 12-16 inches
Discussion of Soils: See Site Description.

Site Description: (Describe the property's physical characteristics such as topography, vegetation, utilities, enhancements, detriments, etc., as they pertain to the subject's highest and best use.):

The subject property is a state-owned "vacancy" consisting of a 13.56-acre parcel known as the Sarah E. Chapoton Survey (SF-16589) in Irion County, Texas. This site is approximately 2.25 miles long and approximately 62 feet wide (22.22 varas), beginning at the north end of G.C. & S.F. RR. Co. Survey 27, and tapers to a point along the north boundary of G.C. & S.F. RR. Co. Section 2, on the south. The strip has access as Irion County Road #113 crosses the strip near the south end and runs along the strip north for approximately 2.1 miles. The west line of the vacancy is the Sarah E. Chapoton Ranch fence, located along the west side of the county road. The majority of the vacancy is in county road right-o-way, except, approximately 735 feet, of which is in pasture, located on the two ends. Land use noted along the strip other than the county road is rangeland for livestock grazing and recreational hunting. The site is rolling,

and appears to slope from north to south, and the soils were found to be of a shallow rocky nature. There is electricity and telephone service noted in the area.

HIGHEST AND BEST USE ANALYSIS

The subject tract has a rural location and the primary land uses in the surrounding area are basically limited to agricultural uses, livestock grazing and recreational hunting. However, the subject tract is a long narrow strip running north and south and is approximately 2.25 miles long and approximately 62 feet wide, on the north and tapers to just a point on the south, containing a total land area of 13.56 acres. The subject tract has legal access via Irion County Road 113, and the county road encumbers a large portion of the subject "vacancy" tract. The subject's highly irregular shape severely impacts the utility of the tract. It is also not large enough to be a stand-alone economical ranching unit of its own.

The long narrow shape of the tract supports a highest and best use of assemblage with the Sarah E. Chapaton Ranch on the south, and the Elizabeth E. Simpson Ranch on the north, based on each prorated share. The parent tract is clearly defined as a 10,717.43-acre ranch before partitioning by the two above mentioned applicants. The ranch is considered mainly rolling low stony hills, of shallow cobley soils, with a covering of cedar, live oak, and mesquite. Since the partitioning, the Chapoton parcel has been partly cleared and cedar. The ranch is watered by windmills and submersible wells, and the head waters of Dove Creek is found to meander through the ranch, offering recreational fishing as well as water for livestock and game. There is oil production noted in the immediate area and on the ranch. The ranch is very scenic and access is provided by dirt CR 113. As mentioned above, the subject's highly irregular shape supports a highest and best use of assemblage with the adjoining land for use as livestock grazing and recreational hunting.

Other Important Information

Legal Access: Yes, CR #113
Zoning: None
Easements/Encroachments: County Road and partitioning fence.
Detriments: Highly irregular shape.
Enhancements: None

Location

Directions to Property: In Mertzon Texas, travel west on Highway 67 approximately 4 miles to its intersection with FM 915. Turn left/south on FM 915 and travel 5 miles to CR #113. Turn left/east on dirt county road and travel approximately 1.5 miles to a curve where the road turns back north. At this point, the fence corner on your left is a point on the west boundary of the vacancy, which extends south crossing the county road, for approximately 578 feet. (Cord: W 31 10' 5.399" N 100 45' 2.842 " @ corner post, north side of county road, before the curve.)

Community Amenities:

Mertzon, the county seat is located approximately 5 miles to the southeast with most all amenities.

Minerals

This appraisal includes no minerals.

Valuation

This appraisal was developed using the Sales Comparison Approach, the Land Summation Approach (Cost Approach) if applicable, and the Income Approach, if applicable. If there are improvements on the property, and these improvements contribute to the whole property, and if there is an income stream or an expectation of an income stream to the property, then the Cost Approach and/or Income Approach are included. Otherwise, these two approaches are excluded.

This is a restricted appraisal report intended for a specific purpose and a specific client, such as it may not be understood properly without additional information that is retained in the appraiser's work file.

Sales Comparison Approach

The search for comparable land sales was concentrated to properties located in Irion and surrounding counties. Based on the subject property's highest and best use being assemblage with adjoining land, the per unit value (land only) of the larger parcel or parent tract was estimated and the concluded per acre value was allocated to the subject property to provide a value indication. The larger parcel or parent ranch contains approximately 10, 717 acres of native rangeland..

In deriving an estimated value for the subject property, consideration has been given to the land sales summarized in the following chart. These sales are considered to represent the best available data. Detailed information for each of these sales is retained in the appraiser's file. The sales along with indicated adjustments are summarized in the following chart.

LAND SALES - ADJUSTMENT GRID

	Sale 1	Sale 2	Sale 3	Sale 4
Dale of Sale	December 30, 2009	September 30, 2009	March 10, 2009	January 10, 2010
County	Irion	Irion	Irion	Sterling/Mitchell
Seller	Funk Estate	Frederick H. Mueller	Harold Nicholson	Sheila Skaggs, etal
Buyer	Dove Creek Land	Cross Land and Cattle	NNNN LP	Howard Morrison
Volume/Page	182/32	181/57	178/57	758/339
Sales Price	$6,707,963	$3,000,000	$4,000,000	$9,272,416
#Acres	5,366.37	1,455.3	3,729.78	9,699.18
$/Acre	$1,250	$2,061	$1,072	$956
Location	Located approximately 4 miles northwest of Arden, Tx and along CR #420	Located approximately 6 miles northeast of Mertzon, Tx. and along the south side of Spring Creek, access via 30' easement.	3 miles east of Mertzon, Tx., and along Dirt CR #201.	Located 18 miles north of Sterling City and along the west side of Hwy. 163, in both Sterling and Mitchell Counties.
Road Frontage	Dirt CR #420	Dirt Easement	Dirt CR #201	Paved Hwy. 163
Adjustments				
Cond of Sale	$0	$0	$0	$0
Improvements	-$10	$0	-$22.50	-$15
Financing	$0	$0	$0	$0
Market Conditions/Time	$0	$0	$0	$0
Adjusted Price/Acre	$1,240	$2,061	$1,049.50	$941
Water Frontage	$0	$0	$315	$0
Land Appeal:	$75	$0	$0	$375
Location/Access	$0	$0	$0	$0
Overall Quality	$0	$0	$0	$0
Size	$0	-$750	$0	$0
Minerals	$0	$0	-$50	$0
Adjusted Price/Acre	$1,315	$1,311	$1,315	$1,316
Link to width or Shape	-40%	-40%	-40%	-40%
Overall Value Range	**$789**	**$786.60**	**$789**	**789.60**

Explanation of Adjustments:

The four land sales summarized in the previous chart provide an overall value range, before adjustments, of $956 to $2,061 per acre. The sales are considered to be relatively recent covering a time period of March 2009 through January 2010. The sales are considered to represent the best indicators of value for the subject's parent tract. The sales were compared to the subject property and consideration was given to such factors as conditions of sale, improvements, financing, market conditions at time of sale, creek frontage, land /appeal, access/road frontage, property size, and minerals.

Condition of Sale: The comparable sales involved typical market conditions and represent arm's length transactions, and as such require no adjustment for conditions of sale.

Financing: Financing terms should be analyzed as favorable or unfavorable. Financing is an important consideration as it recognizes the impact, if any, on the sale price. The definition of market value states that cash equivalency is implicit; therefore, the financing terms of the comparable sales must be analyzed.

The sales included herein involve cash or financing terms typical of the market. In other words, there are no sale prices that are considered to be influenced by the financing terms.

Improvements: The subject property is being appraised as vacant land. All of the sales except sale 2 had buildings or ranch improvements, that were conveyed in the sale. The contributory value of the improvements on each sale was estimated and calculated on a price per acre bases, and downward adjustments were made to each sale to reflect a raw land value, excluding improvements.

Market Conditions: The comparable land sales included in this analysis all occurred from March of 2009 to January of 2010, and are considered to represent a slow but stable market for the subject area. Irion County and the immediate area represents an area of family owned ranches, handed down from generation to generation, that seldom ever sale. There was no creek front water sales found from January of 2010 to the present that supports any time adjustment necessary through March of 2011.

Creek Water Frontage: Sales 1, 2, and 4 all have spring fed creeks that meanders through them, adding an extra source of water for livestock and game, as well as appeal to these properties. The comparison of a creek front property, (sale 1) to a property with out creek, (sale 5) located in the same general area has indicated the contributory value for the presents of a spring fed creek to be $315/per acre. Sale 3, located east of Mertzon, is land only with no creek frontage and was adjusted upward for this inferior characteristic.

Land Appeal: The factor takes into consideration the land appeal of the subject tract in comparison to the sales. The subject parent tract is considered all rangeland, with spring fed Dove Creek water, suited for livestock grazing and recreational hunting A potion of this property has had the cedar and mesquite cleared with the live oaks left standing. This property has quite a few live oak trees, and with the spring fed creek water is very appealing, and somewhat supports the Hill Country look. The sales used for comparison were all located from the Mitchell/Sterling County line, south, to just east of Mertzon. The trend noticed is that the land becomes more appealing as you move to the south, especially beyond US Hwy 67, in Irion County. The sales prices are also reflective of that change in appeal, with adjustments warranted for the appeal factor. Through comparison, the appraiser has considered sales 2 and 3 similar to the subject with regards to appeal, while sales 1 and 4 are considered inferior in land appeal. Through paired sales analysis, the appraiser has concluded an adjustment of upward $75/per acre for sale 1, and upward $375/per acre for sale 4 for their inferior land appeal.

Location/Access: This factor accounts for the actual access and/or road frontage of the property. The subject tract has access along a graded county road. The sales all have legal access via paved highways; deeded easement roads or county maintained dirt roads. Paired sales comparisons do not provide a clearly definable trend with regard to paved highway access, verses graded county road frontage, or easement roads, so no adjustment seemed necessary to any of the comparable sales.

Land Size: The subject's parent tract contains 10,717.43 acres, while the sales range from 1,455.3 to 9,699.18 acres in size. Before adjustments, the sales prices range from $956 per acre for the larger sale to $2,061 per acre for the smaller sale. Highest and best use of all the larger parcel sales was determined as livestock grazing and recreational hunting, while the smaller 1,455-acre parcel indicates a most probable highest and best use of recreation. It was reported that the purchaser of this property's motivation was for recreational use, (hunting and fishing), as indicated by the higher sales price paid for this property. A comparison of the small sale to sale 3, east of Mertzon, and Sale 1, northwest of Arden supports a downward adjustment necessary for sale 2 for it's smaller size, and recreational highest and best use. The appropriate downward adjustment indicated for sale 2 for size and highest and best use is downward $750/per acre.

Minerals: The subject property is being valued as surface only, excluding all minerals. Sale 3 is the only sale though to be impacted by mineral interest conveyed in the sale. The listing broker indicated that a 1/3 interest of the non- producing minerals owned by the seller was conveyed to the buyer. He also indicated that $50/per acre was the price agreed upon in the transaction by both parties as for the mineral interest being conveyed. As per this reasoning, sale 3 was adjusted downward $50/per acre under the category of minerals, based on mineral ownership conveyed in the transaction

Marketability (Shape) Discount: N/A

Due to the subjects shape, (Long and Narrow), it was determined that the use of the subject property was very limited. This tract could be similar to tracts that have very little or no access. In this case, land-locked tracts were used to determine a discount for the subject having limited marketability created by its atypical shape/configuration.

As previously discussed, the state-owned subject tract has legal access and adjoins privately owned lands, similar in nature. Highest and best use of the state owned lands was determined as rangeland for assemblage with the adjoining ranch to the east. The subject tracts long and narrow shape is thought to have limited marketability, if offered for sale on the open market. The most logical buyers for this property are the adjoining owners. Due to the long narrow shape, a reduced demand has been created for this property, and it is felt that a loss in value occurs due to its configuration.

To measure the impact on value related to this factor, the appraiser has searched the market for sales data of tracts with similar shape and configuration problems. No such sales were found in the local market. As a result, consideration has been given to sales of land locked tracts, which suffer from a similar limited marketability. Sales comparisons have been made between tracts with public road frontage or legal access to those that did not in order to isolate and/or measure the difference attributed to the land locked situation. As found in the Addenda of this report, these sales are summarized and analyzed to derive a discount factor to apply to the subject property for its limited marketability which is created by its highly irregular shape and small size.

Therefore, it is the appraiser's opinion that the subject property should be discounted for its limited marketability created by its highly irregular shape. Market indicators or comparisons based on the study of landlocked sales provide discounts ranging from 20% to 43%, with an average of approximately 30%. In determining an appropriate discount for the subject tract, it is reasonable to assume that as the number of potential buyers/adjoining landowners increases the percentage of discount would decrease and vice a versa. It is the appraisers opinion that a reasonable discount factor for the subject's limited marketability created by its atypical shape and small size would be toward the upper end of the range, or 40%.

Concluded Market Value

After applying a discount for the subjects limited marketability created by its shape (Limited Use) status the indicated value range as provided by the comparable land sales in this report is $786.60/per acre to $789.60/per acre. Based on the market data, a reasonable market value for the subject tract is $790 per acre for a total as follows:

13.56 acres @ $790/acre =$10,712

Allocated as follows:	**Chapoton:**	**12.77 acres @ $790/acre = $10,088**
	Simpson:	**0.79 acres @ $790/acre = $ 624**

ASSUMPTIONS AND LIMITING CONDITIONS

Certification of this report is based on the following assumptions and limiting conditions:

1. That title to the property is marketable and rests in the named owner, that there are no defects of title and the property is free and clear of all encumbrances except for those specifically mentioned.

2. The appraiser neither accepts nor assumes any responsibility for matters of legal nature affecting the property.

3. The legal description and figures pertaining to size and dimensions that were furnished or obtained are correct.

4. The appraiser did not make a survey of the property.

5. Drawings, sketches and plats are included to assist the reader in visualizing the property and may not be totally accurate or exact scale.

6. To the best of my knowledge and belief, the information furnished by others and contained in this report is considered reliable and believed to be true and correct.

7. Responsibility is not taken for unknown soil conditions or the structural soundness of the improvements that would render the property more or less valuable.

8. Any easement, apparent or of record, associated with the property do not have an adverse effect on its value unless otherwise noted.

9. All estimates and conclusions are based on the highest and best use of the property, which may or may not be the current use.

10. The value reported herein as of 3/10/11 and is based on market conditions at that time.

11. I have inspected the surface of the subject property, but I have no expertise in discovering sub-surface deposits of refuse, hazardous wastes, or any material that will affect the use and value of the subject property and I assume no responsibility for such deposits.

12. Use of this appraisal is reserved to the named recipient; use of any portions excerpted from the complete report is prohibited without written consent of the appraiser.

13. **This is a complete appraisal under Uniform Standards of Professional Appraisal Practice Standard Rule 1 and is reported as a Restricted Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report. As such, it does not include discussions of data, reasoning and analysis that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's and archive files. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.**

CERTIFICATE OF APPRAISAL

The undersigned hereby certifies that, to the best and my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting condition and are my personal, unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- My analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- **This is a complete appraisal under Standard Rule 1 of the Uniform Standards of Professional Appraisal Practice and reported as a Restricted Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report. As such, it does not include discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's and archive files. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.**

It is my opinion that as of March 10, 2011, the per acre value of the fee simple interest of the subject parcel is determined to be $790/per acre, based on the 13.56 acre vacancy known as the Sarah E. Chapoton Survey, SF # 16589, for a total of $10,700, Surface Only.

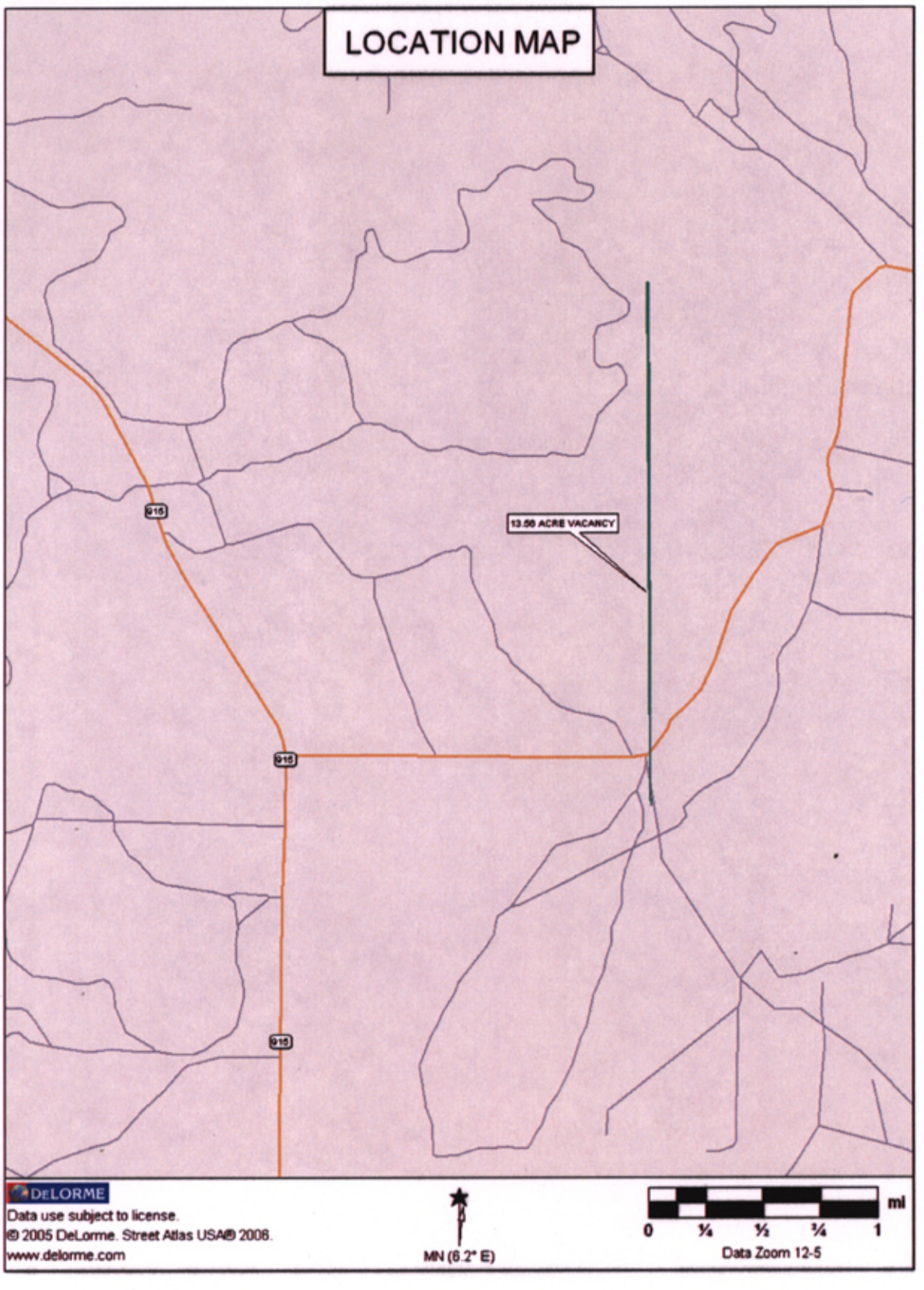
TEN THOUSAND SEVEN HUNDRED DOLLARS
$10,700

Respectfully submitted,

D'Wayne Gannon

D' Wayne Gannon
State Certified Tx1327225-G
GLO Staff Appraiser

ADDENDA


LOCATION MAP
13.66 ACRE VACANCY
915
915
915
DeLORME
Data use subject to license.
© 2005 DeLorme. Street Atlas USA® 2006.
www.delorme.com
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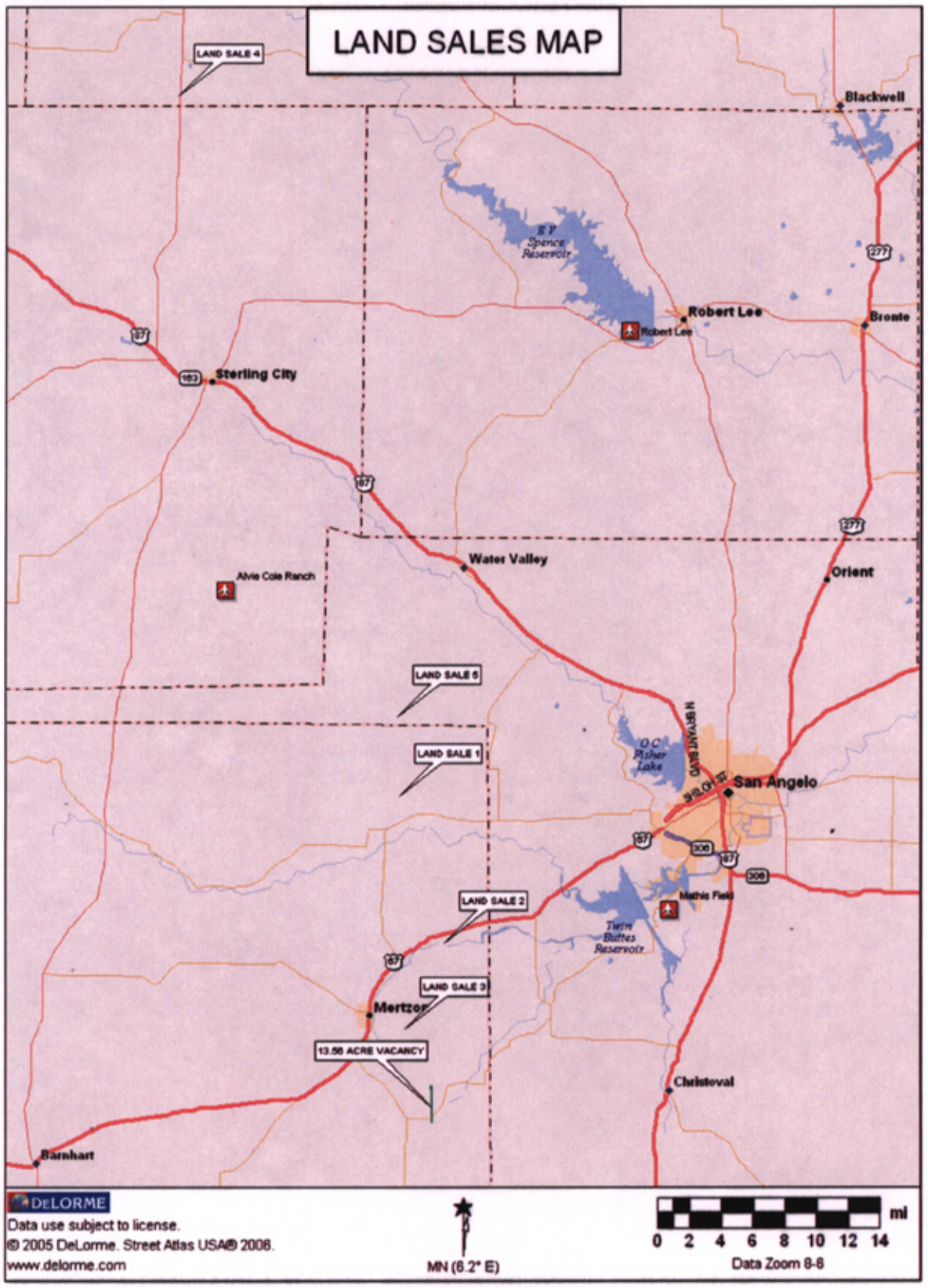
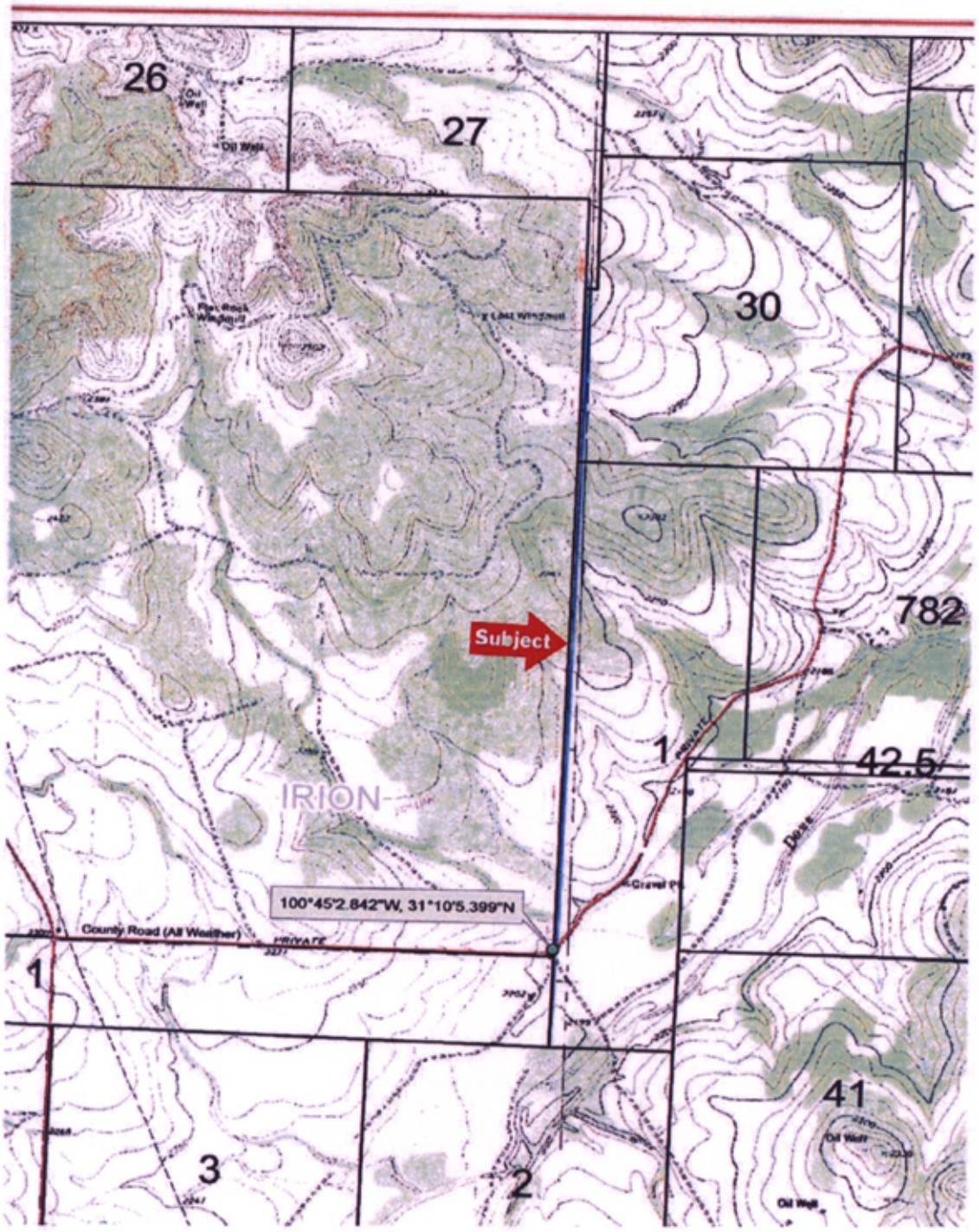
LAND SALES MAP




26
27
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782
42.5
41
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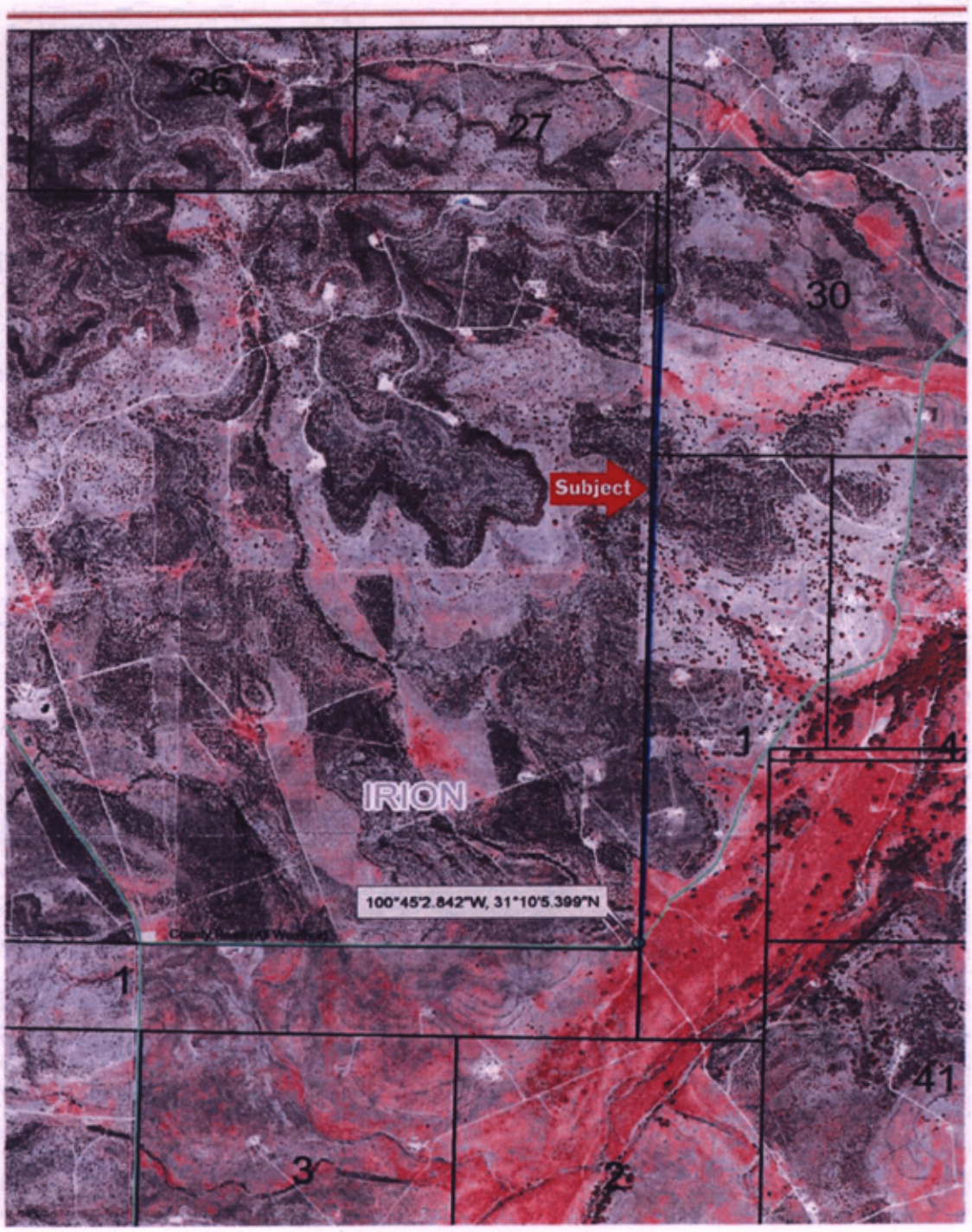
3
Subject
IRION
100°45'2.842"W, 31°10'5.399"N
County Road (All Weather)
PRIVATE
Oil Well
Old Well


26
27
30
Subject
IRION
100°45'2.842"W, 31°10'5.399"N
1
3
2
41

Comparable Sale 1

RECORD NO.:	
LOCATION:	Located approximately 4 miles northwest of Arden, with CR #420, frontage.
DATE OF SALE:	December 30, 2009
GRANTOR:	Carol Owen Funk and Ben P. Fairey as Administrator and trustee for the Estate of Joseph Funk, Deceased
GRANTEE:	Dove Creek Land and Cattle Co. LTD
RECORDED:	182/32 Irion County Deed Records
LAND SIZE:	5,366.37 acres, more or less
LAND TYPE:	Primarily rolling hills and draws, covered in mesquite and cedar.
LEGAL DESCRIPTION	Being all or parts of Sections 13, 14, 19, 20, 29, 30, 31, 34, 35, and 36 Block 10, SPRR, Co. Survey, and Survey 3, Block 5, H&TC Ry. Co, Survey, Irion County, Texas.
SALES PRICE:	$6,707,963.
UNIT PRICE:	$1,250.00/acre
FINANCING:	Cash
MINERALS:	Surface only.
ACCESS/RD. FRONTAGE:	County Dirt Road #420.
WATER:	Windmill wells with live spring water along Rocky Creek.
IMPROVEMENTS:	Ranch house, two hand houses, barn, and pens, reported to be in only fair condition, with an estimated contributory value of $10/per acre.
COMMENTS:	This property is located northeast of Arden, and CR #420 furnishes access to the property. It was reported that the improvements on the ranch were old and run down with very little contributory value. Rocky Creek, a spring fed creek meanders through the property and provides nice holes of water that adds appeal to the ranch. The terrain of the ranch is rolling cedar and mesquites.

Comparable Sale 2

RECORD NO.:	
LOCATION:	Located 6 miles northeast of Mertzon, Texas and along the south side of Spring Creek.
DATE OF SALE:	September 30, 2009
GRANTOR:	Frederick H. Mueller
GRANTEE:	Cross Land and Cattle Company
RECORDED:	181/57 Irion County Deed Records
LAND SIZE:	1,455.3 acres, more or less
LAND TYPE:	Primarily mesquite flats along the north end along Spring Creek and rolling low stony hills of mainly cedar with a few scattered live oaks along the south end of the property.
LEGAL DESCRIPTION	Being 1,455.3 acres out of Sections 738, 739, 740, 741, 742, and 741 ½, et al, German Emigration Surveys, Irion County, Texas.
SALES PRICE:	$3,000,000
UNIT PRICE:	$2,061 per acre.
FINANCING:	Cash to the seller
MINERALS:	Seller conveyed all owned minerals, thought to be less than 1/16.
ACCESS/RD. FRONTAGE:	Access is by way of a 30-foot easement off of Hughes Log Cabin Sherwood Road.
WATER:	4 water wells with submersible pumps, with Spring Creek frontage along the entire north boundary of the property. There is also a dam along Spring Creek and along this property that that impounds a large body of water.
IMPROVEMENTS:	None.
COMMENTS:	This property is a very neat recreational property that offers good deer hunting and fishing along Spring Creek. The fences on the property were in average condition, with the property being divided into three pastures with two traps. .

Comparable Sale 3

RECORD NO.:	
LOCATION:	Located 3 miles east of Mertzon, Texas and along the north side of CR # 201, in Irion County, Texas.
DATE OF SALE:	March 10, 2009
GRANTOR:	Harold Donald Nicholson
GRANTEE:	NNNN, LP
RECORDED:	178/57 Irion County Deed Records
LAND SIZE:	3,729.78 acres, more or less
LAND TYPE:	Primarily rolling low stony hills, covered in cedar and some live oaks, while a portion of the property had been cleared.
LEGAL DESCRIPTION	Being all or parts of Sections 1, 2, 5, 6, 10, 11, and 17, Block 3, H&TC Ry. Co. Survey, Irion County, Texas.
SALES PRICE:	$4,000,000.
UNIT PRICE:	$1.072 per acre.
FINANCING:	Cash to the seller
MINERALS:	Seller conveyed 1/3 of what he owned of the non-producing minerals, with a calculated contributory value of $50/per acre.
ACCESS/RD. FRONTAGE:	Access is by Dirt CR #201.
WATER:	Water wells
IMPROVEMENTS:	Nice rock house of approximately 1,900 square feet and carport estimated to contribute approximately $22.50 per acre.
COMMENTS:	This property is primarily rolling, low stony hills, with some cleared country. The residence was reported to have been remodeled and in good condition. There is some oil production on the property, located in one area of the ranch that encumbers approximately 450 acres.

Comparable Sale 4

RECORD NO.:	
LOCATION:	Located approximately 18 miles northeast of Sterling City and along the Sterling and Mitchell County Lines, with the majority of the ranch in Mitchell County. The ranch fronts the west side of State Hwy. 163.
DATE OF SALE:	January 10, 2010
GRANTOR:	Sheila Ellwood Skaggs and Gale Ellwood Blundell
GRANTEE:	Howard A. Morrison
RECORDED:	758/339 in both Sterling and Mitchell Counties.
LAND SIZE:	9,699.18 acres, more or less
LAND TYPE:	Primarily mesquite flats along the eastern boundary and rolling mesquites and cedar along the western portion of the ranch.
LEGAL DESCRIPTION	Being 1,308 acres more or less out of Sections 52, 53, and 54, Block 17, AP Ry. Co. Surveys, Sterling County, and 8,391.18 acres out of Surveys 1, 2, 17, 18, 19, 20, 35, 36, 37, 38, and 39, Block 17, SPRR Co. Surveys, Mitchell County, Texas.
SALES PRICE:	$9,272,416.08
UNIT PRICE:	$956 per acre.
FINANCING:	Cash to the seller
MINERALS:	Surface Only
ACCESS/RD. FRONTAGE:	Access is by State Highway 163, west side.
WATER:	Windmill wells, dirt tanks and spring fed Hackberry Creek
IMPROVEMENTS:	Main house, two smaller hand houses, barns and pens, in average to above average condition, with a contributory value reported to be $15/per acre.
COMMENTS:	The east side of this ranch is mainly tobosa flats covered in mesquites, while the west side of the ranch is more rolling with a cover of mesquite and cedar. Hackberry Creek, a spring fed creek meanders through the ranch and provides some nice holes of water for livestock and game. Only the surface estate was conveyed in the transaction, and there were 4 producing oil wells on the property.

Comparable Sale 5

RECORD NO.:	
LOCATION:	Located approximately 9 miles north of Arden, by way an easement road off of Irion County Road #420 and just inside Tom Green County.
DATE OF SALE:	January 29, 2009
GRANTOR:	Bill Elliott etal
GRANTEE:	Robert Lee Mountain Ranch Inc.
RECORDED:	Instrument #664535, Tom Green County Deed Records
LAND SIZE:	4046.91. acres, more or less
LAND TYPE:	Primarily rolling low stony hills, draws and flats, covered in cedar and mesquite.
LEGAL DESCRIPTION	Being all or parts of Sections 32, 33, 37, 38, 39, 48, 49, Block 5, H&TC RR, Co. Survey, Tom Green County Texas.
SALES PRICE:	$3,743,391
UNIT PRICE:	$925.00/acre
FINANCING:	Cash
MINERALS:	Less than 1/8 undivided conveyed.
ACCESS/RD. FRONTAGE:	Easement road, off of Irion County Road #420.
WATER:	4 Windmill wells.
IMPROVEMENTS:	None of value
COMMENTS:	This property is located just across the Irion County line, and in Tom Green County, north of Arden. It was reported that there were no improvements of value on the ranch. This ranch was also owned by the Funk Estate and sold 1/21/2008 for $675 per acre. It then re-sold on 1/29/2009 for $925 /per acre.

Photo Pages of Irion County 13.56 acre Vacancy #11-6374

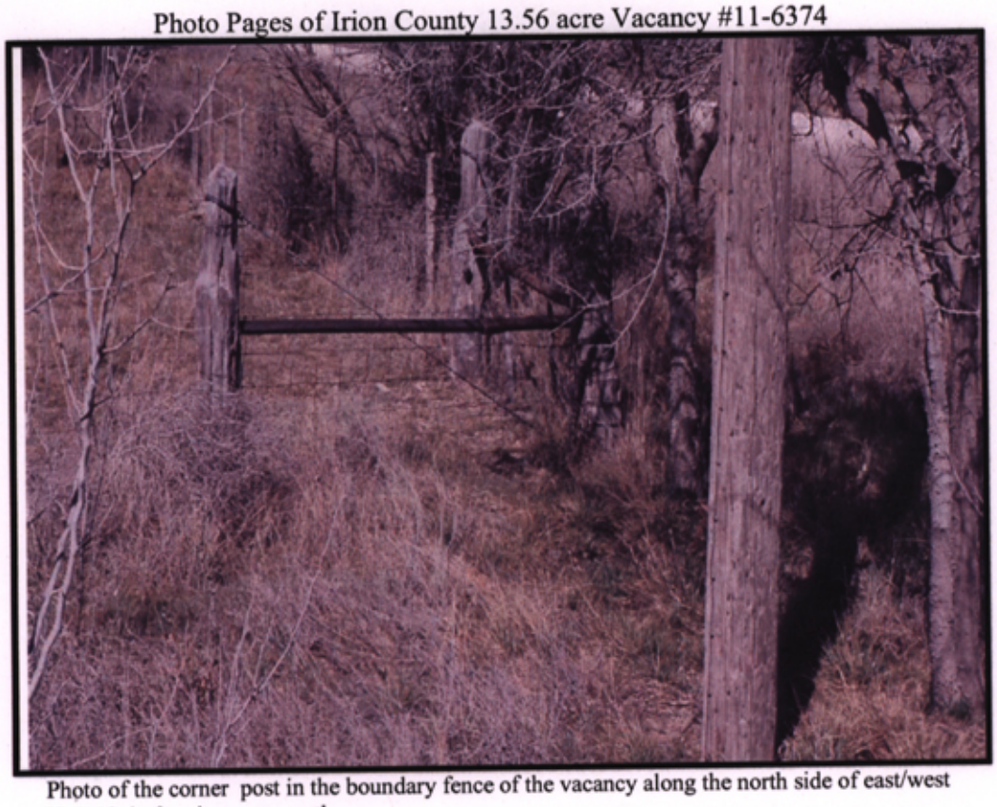
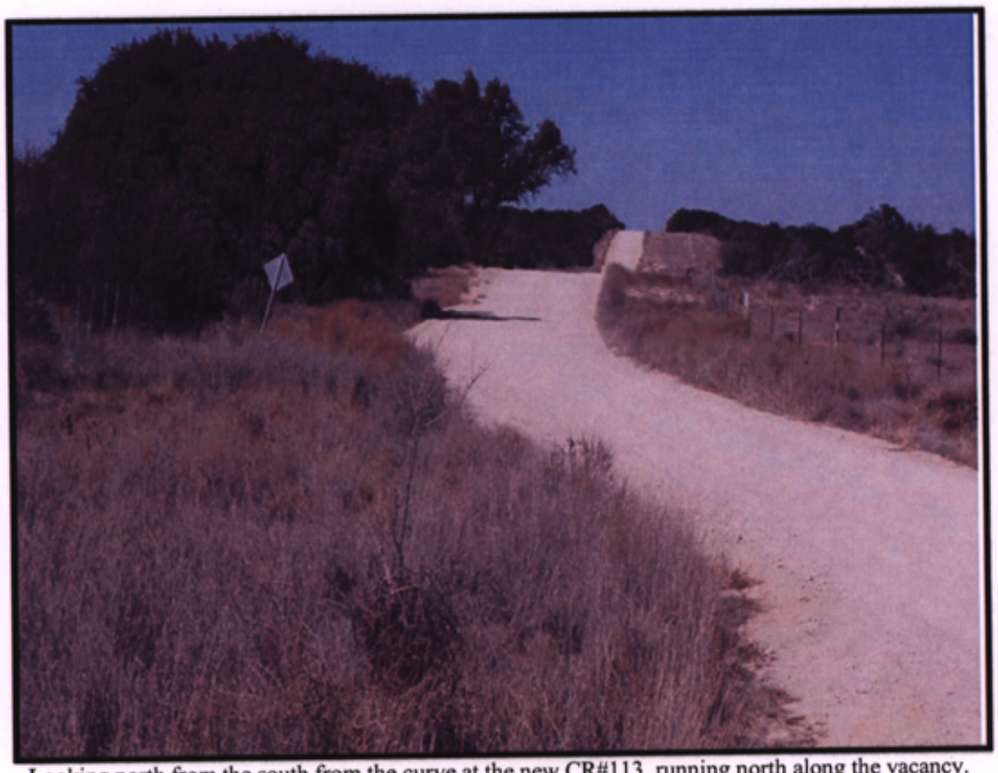
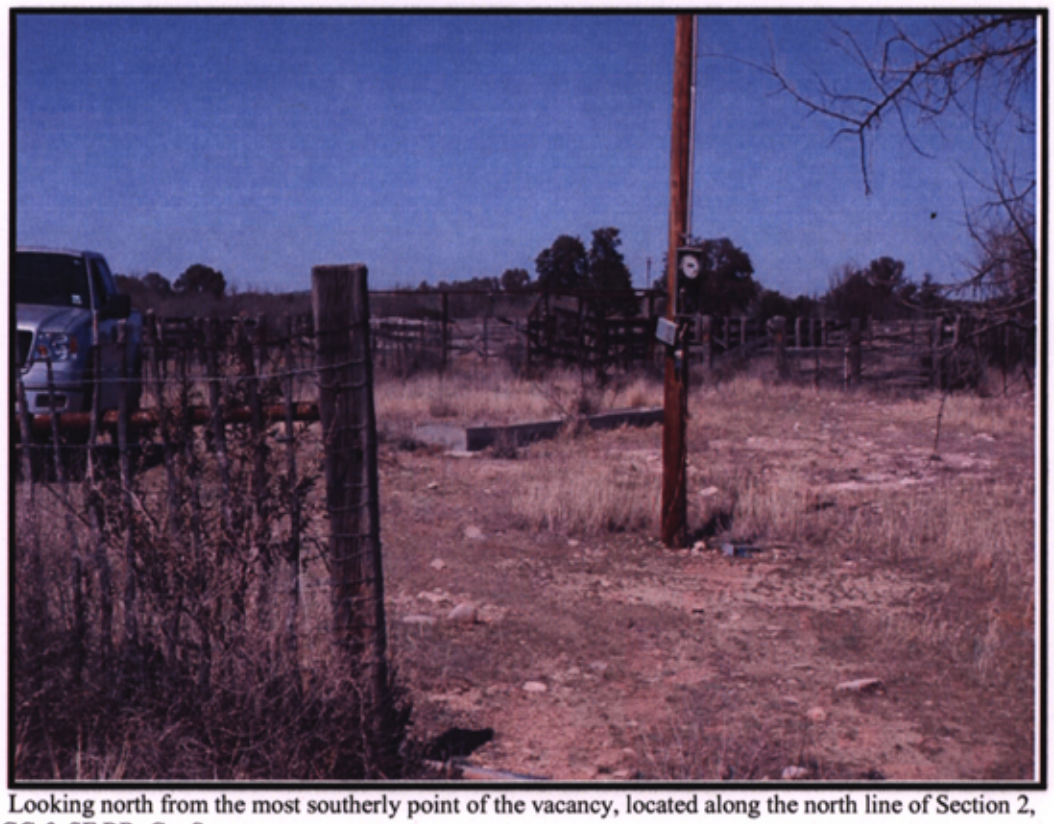


Photo of the corner post in the boundary fence of the vacancy along the north side of east/west CR#113, before it curves north

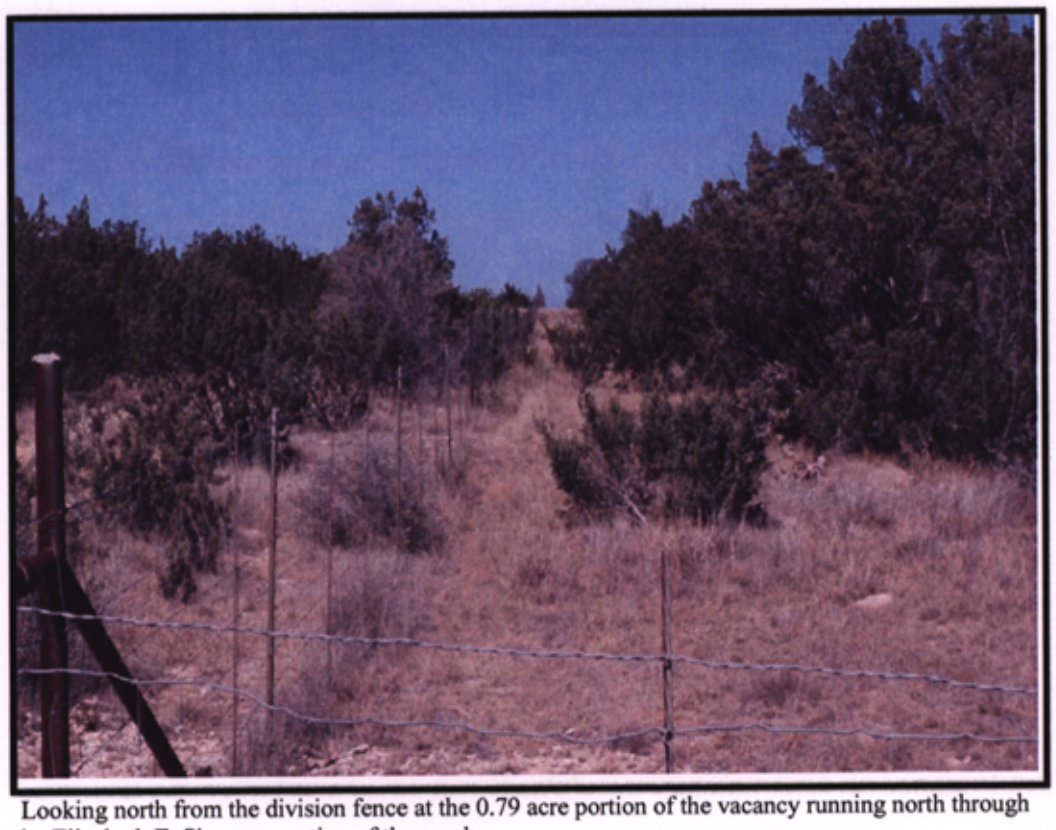


Looking north from the south from the curve at the new CR#113, running north along the vacancy.

Looking south from the east/west CR #113, at the projected line of the vacancy, running south, through the pasture.

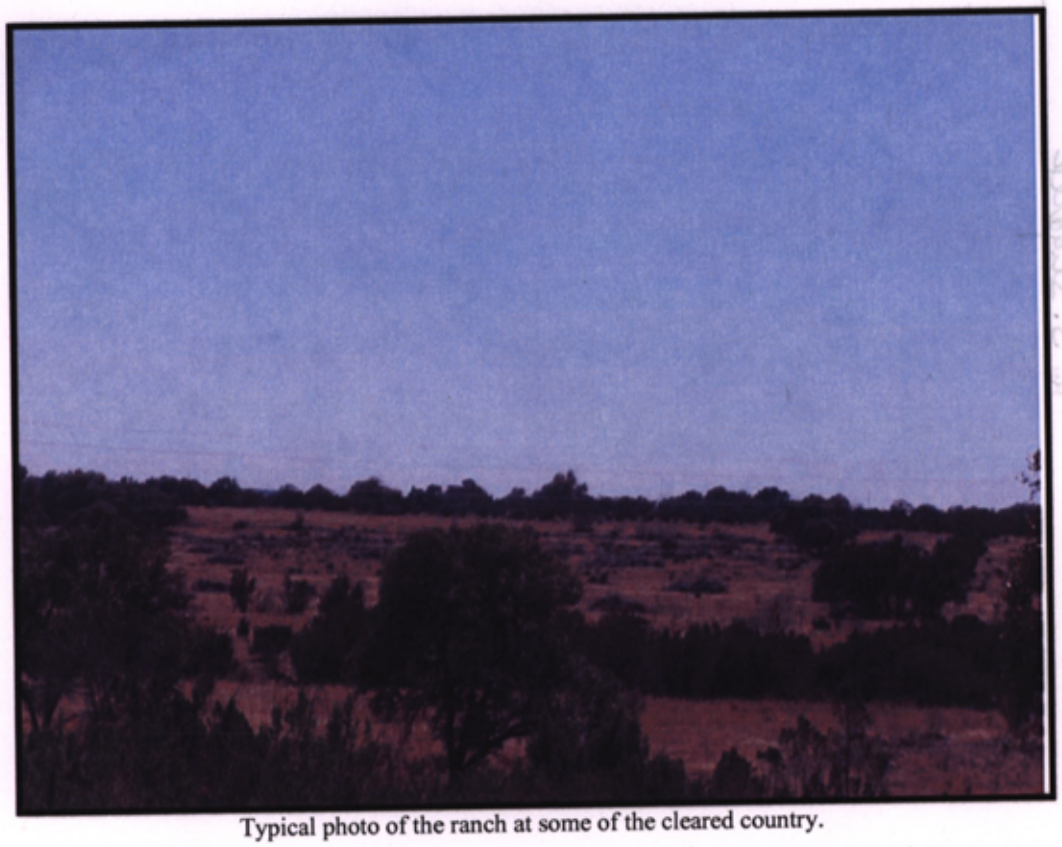


Looking north from the most southerly point of the vacancy, located along the north line of Section 2, GC & SF RR. Co. Survey.

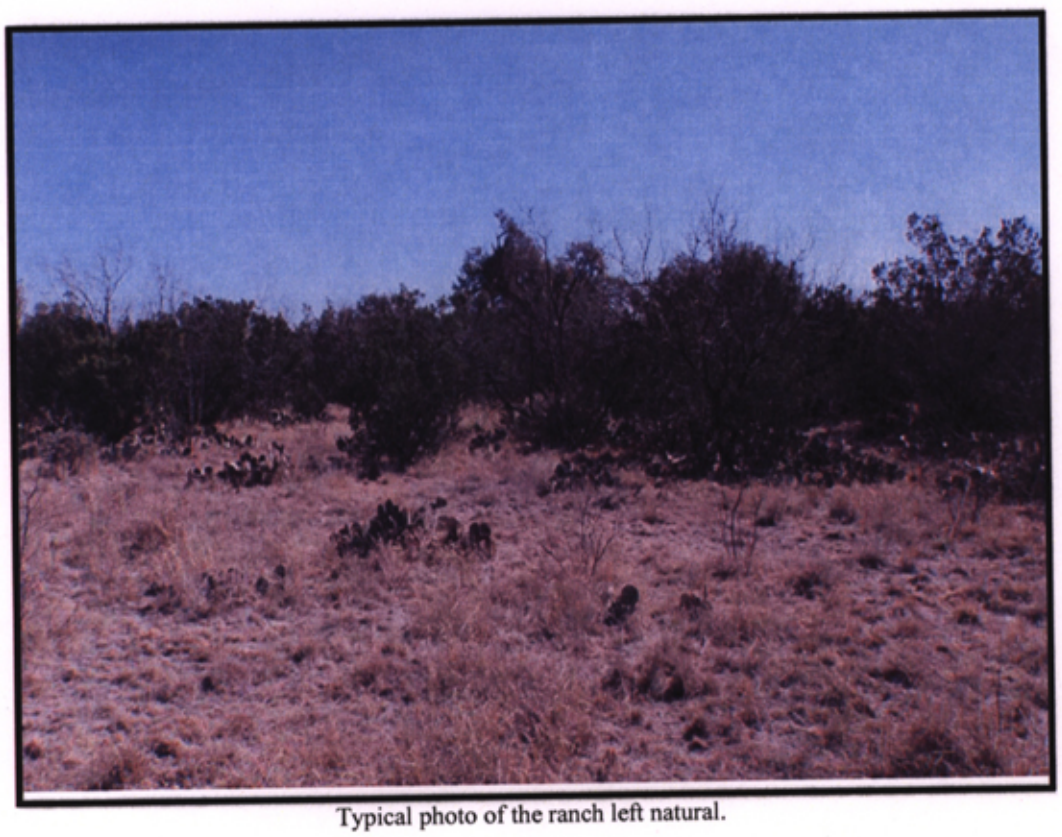


Looking north from the division fence at the 0.79 acre portion of the vacancy running north through the Elizabeth E. Simpson portion of the ranch.

Looking south from the north at the new county road, located along the vacancy, before the new road Curves back to the east.



Typical photo of the ranch at some of the cleared country.



Typical photo of the ranch left natural.

(76)

File No. SF-16589

Irion County

Appraisal

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

WILSON LAND SURVEYING, INC.
LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/653-3916 * FAX 325/655-1895
P.O. BOX 3326-ZIP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

WM. C. WILSON, JR.
R.P.L.S., L.S.L.S.
(1932-2005)

THOMAS J. HOUSTON
R.P.L.S., L.S.L.S.,
B.S.S

December 16, 2010

Vacancy Administrator
Legal Services Division
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

RE: Sarah E. Chapoton Survey S.F. 16589, Irion County, Texas

Enclosed please find a Good Faith Claimant Affidavit, field note description of the north portion of S.F. 16589 being claimed by Ms. Simpson and Certified copy of Partition Deed recorded in Volume 96 Page 674 of the Official Public Records of Irion County, Texas. Also enclosed is a check in the amount of $75.00 to file these documents.

If you have any questions or need additional information please contact me.

Sincerely,

Thomas J Houston

RECEIVED
DEC 21 2010
Texas General Land Office
Legal Services

WILSON LAND SURVEYING, INC.
LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 325/653-3916 * FAX 325/651-1895
P.O. BOX 3326-STP 76902
1514 W. BEAUREGARD AVE.
SAN ANGELO, TEXAS 76901

December 16, 2010

Attorney Administrator
Legal Services Division
Texas General Land Office
1700 N. Congress Avenue
Austin, Texas 78701

RE: Sarah E. Chapoton Survey [illegible], Irion County, Texas

Enclosed please find a Good [illegible] Affidavit, field note description of the north portion of [illegible] being claimed by Ms. Simpson and Certified copy of [illegible] recorded in Volume 96 Page 674 of the Official Public [illegible] Irion County, Texas. Also enclosed is a check in the amount of $75.00 to file these documents.

If you have any questions or need additional [illegible] please contact me.

Sincerely,

Thomas J. Houston

RECEIVED
DEC 21 2010
Texas General Land Office
Legal Services

SF-16589

101

WILSON LAND SURVEYING, INC.
1514 W. BEAUREGARD PH. 325-653-3916
SAN ANGELO, TX 76901

11703743

7556

88-687/1113
63

DATE 12-17-10

PAY TO THE ORDER OF General Land Office $ 75.00

Seventy five + no/100 DOLLARS

Security Features Details on Back

FIRST

(64)

File No. SF-16589

Irion County

ltr fm Wilson Surv. dtd. 12-16-10

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Good-Faith Claimant Affidavit (form)

STATE OF Texas §
§
COUNTY OF Irion §

SF/MA SF 16589

County Irion

AFFIDAVIT
(Good-Faith Claimant)
[PLEASE PRINT LEGIBLY OR TYPE. CLAIMANT SHOULD MODIFY AS APPROPRIATE.]

The undersigned, being first duly sworn on oath, states as follows:

"My name is Elizabeth E Simpson. I am over eighteen years of age and I reside at the following address: P O Box 639 Comstock TX 78837-0639."

"I, or my business entity N. Rocher & Ranch (Kepler Creek Ranch) **[name of business entity]**, as the case may be, claim status as a good-faith claimant of approximately 0.79 acres out of the alleged vacancy in Irion County, Texas, described in the Application to Purchase or Lease Vacant Land, filed by Sarah E. Chapman (Applicant), SF No. 16589. A plat, map, diagram, or other description, approximately depicting the portion of the vacancy to which I claim status as a good-faith claimant is attached to this affidavit as Exhibit A." **[Please attach an approximate description, marked as "Exhibit A."]**

[Instructions: Affiant should complete only the one option below that describes his or her claims, and cross out the others with an "x." Attach additional sheets to this affidavit form if necessary.]

Option 1 – Choose if asserting both surface and mineral claims:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above, for various purposes including exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

X

."

Option 2 – Choose if asserting surface claim only:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

X

_____."

Option 3 –Choose if asserting mineral, royalty or leasehold claims only:

"I, or my business entity_____ **[name of business entity]**, used the alleged vacancy for the purpose of exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy at the following times and in the following manner:

X

_____."

Option 4 – Choose if asserting easement or right-of way claim:

"I, or my business entity_____ **[name of business entity]**, used the alleged vacancy for the purpose of an easement or right-of-way for the following times and purpose(s):

X

_____."

Option 5 – Choose if asserting claim based on recognized boundaries for at least 10 years: "I, or to the best of my knowledge and belief, my predecessors in interest, have had the alleged vacancy enclosed or within definite recognized boundaries and in possession for a period of ten (10) or more years with a good-faith belief that the alleged vacancy was included inside the boundaries of the survey or surveys that were previously titled, awarded or sold under circumstances that led me to believe that I own the alleged vacancy.

"I acquired the alleged vacancy in the following manner, from following party(ies), and on the following dates:

SEE ATTACHED PARTITION DEED DATED 9-8-1992
VOL 96 p. 674 OFFICIAL PUBLIC RECORDS OF BRIEN CO."

"I have paid real estate taxes on the alleged vacancy for the following years:_____

_____."

Option 6 – Choose if asserting claim as the owner of land that adjoins land alleged to be vacant.

"I own property that adjoins the alleged vacancy in the following manner:

_____

_____

_____

_____."

Provide additional statements, if any, in support of this good-faith claim:

"_____

_____

_____."

SIGNATURE: Elizabeth E. Simpson

(Good-Faith Claimant)

SUBSCRIBED AND SWORN TO BEFORE ME by Elizabeth E. Simpson

on the 30th day of November, 20 10.

Selina Salas

(Notary Seal) Notary Public, State of Texas

My Commission Expires: 7-23-2012

SELINA SALAS
Notary Public, State of Texas
My Commission Expires
July 23, 2012

(65)

File No. SF-16589

Irion County

GEC Affid. - E. Simpson

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

12761

PARTITION DEED

THE STATE OF TEXAS $
$ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF IRION $

That WHEREAS, we C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING, SARAH EASTHAM CHAPOTON and ELIZABETH EASTHAM SIMPSON, each dealing herein with his or her separate property and not joined herein by spouses because none of the property herein involved is homestead of any of the parties, have and own in common the lands hereinafter mentioned, and desire to make a partition of the surface of said lands as hereinafter set forth in this agreement;

NOW, THEREFORE, in consideration of the premises and to effect such partition, it is hereby COVENANTED, GRANTED and AGREED by and between such parties, and each of them COVENANTS, GRANTS and AGREES for himself or herself, and his or her heirs and assigns, that a partition of said lands be made as follows:

1. That ELIZABETH EASTHAM SIMPSON shall from the date of this Deed own, have, hold and possess by and to herself, her heirs and assigns, as her separate property for her use and benefit, the SURFACE ONLY of that certain land described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference, and C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON do GRANT, RELEASE and CONFIRM unto the said ELIZABETH EASTHAM SIMPSON, the SURFACE of the said lands described in Exhibit "A", as her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said ELIZABETH EASTHAM SIMPSON, as her sole and separate property and her heirs and assigns forever.

2. That C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON shall from the date of this Deed own, have, hold and possess by and to himself or herself, his or her heirs and assigns, as his or her separate property for his or her use and benefit, the SURFACE ONLY of the following described lands described in Exhibit "B" attached hereto and incorporated herein by reference, and ELIZABETH EASTHAM SIMPSON does GRANT, RELEASE and CONFIRM unto the said C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, the SURFACE of the said lands described in Exhibit "B", as his or her sole and separate property, TO HAVE AND TO HOLD the same with all and singular the hereditaments and appurtenances thereto belonging unto the said C. STACEY EASTHAM, JR., RUTH EASTHAM FLOURNOY, MARY EASTHAM KING and SARAH EASTHAM CHAPOTON, as his or her sole and separate property and his or her heirs and assigns forever.

COUNTY COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

3. It is expressly understood and agreed that this Partition Deed is not intended to affect and shall not affect the ownership of oil, gas and other minerals and royalty therein underlying said lands, and that the ownership of said oil, gas and other minerals and royalty therein shall remain undivided.

4. All expressed or implied liens in favor of the respective parties hereto resulting from the partitioning of the lands as above set forth are hereby expressly released in favor of the party to whom such lands are partitioned.

5. If any formal words of conveyance other than those used herein are necessary in order that this instrument effect each and every purpose and and intended in accordance with the above recitals, then such formal words shall be read into this instrument just as though placed herein before execution.

IN WITNESS WHEREOF, we set out hands this the 8th day of September, 1992

C. STACEY EASTHAM, JR.

RUTH EASTHAM FLOURNOY

MARY EASTHAM KING

SARAH EASTHAM CHAPOTON

ELIZABETH EASTHAM SIMPSON

VOL 96 PAGE 675

True and Correct Copy as the same appears
of record in the County Clerk's Office,
Leon County, Texas

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by C. STACEY EASTHAM, JR.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by RUTH EASTHAM FLOURNOY.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on this the 11th day of September, 1992 by MARY EASTHAM KING.

WILMA GUIDRY
Notary Public, State of Texas
Commission Expires 08-29-93

Wilma Guidry
Notary Public, State of Texas

VOL 96 PAGE 676

COUNTY COURT OF IRON COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office, Iron County, Texas

DISTRICT OF COLUMBIA

This instrument was acknowledged before me on this the 14th day of September, 1992 by SARAH EASTHAM CHAPOTON.

Notary Public, State of Texas.

TRUDY L. McBRIDE
My Commission Expires Nov. 20, 1995

STATE OF ~~TEXAS~~ MONTANA

COUNTY OF Big Horn

This instrument was acknowledged before me on this the 17th day of September, 1992 by ELIZABETH EASTHAM SIMPSON.

DONNA R. LANE NOTARIAL SEAL STATE OF MONTANA

Notary Public, State of ~~Texas~~ MONTANA.

My Commission Expires 7-15-95

AFTER RECORDING
RETURN TO:
Gossett, Harrison, Reese
and Wilson
12 N. Abe P.O. Box 911
San Angelo, Texas 76902

clients\simpson\partitio\partitio.ded

VOL 96 PAGE 677

COUNTY COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

DESCRIPTION FOR ELIZABETH EASTHAM SIMPSON'S PORTION OF THE PARTITION

The surface estate only in and to that portion of the 10,717.43 acres, more or less, described on Schedule 1 that lies generally North of the division line described on Schedule 2, including all or parts of the following Surveys:

	SURVEY	ABSTRACT	ORIGINAL GRANTEE
All	27	A-126	G.C.& S.F. R.R. Co.
All	29	A-127	G.C.& S.F. R.R. Co.
North Part	30[1]	A-1130	G.C.& S.F. R.R. Co.
North Part	31[2]	A-128	G.C.& S.F. R.R. Co.
All	1	A-1250	H.M. Wallis
Part	780[2]	A-499	Jacob Pfeiffer
Part	781[2]	A-498	Jacob Pfeiffer
Part	779[2]	A-763	Gottlieb Eberle
All	778	A-647	Thomas Walker
Part	787[2]	A-28	J.C. Brandes
Part	786[2]	A-27	J.C. Brandes
Part	785[2]	A-479	Frederick Munk
All	2	A-1251	H.M. Wallis

[1] The North part of Survey 30 being all of Survey 30 lying generally North and West of that portion of the division line described in Schedule 2 that is in Survey 30.

[2] The North part of Surveys 31, 779, 780, 781, 787, 785 and 786 being all of Surveys 31, 779, 780, 781, 787, 785 and 786 lying generally North of that portion of the division line described in Schedule 2 that is in Surveys 31, 779, 780, 781, 787, 785 and 786, respectively.

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COUNTY COURT OF IRON COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office, Iron County, Texas

Notwithstanding anything herein to the contrary, Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, and C. Stacey Eastham, Jr. intend to convey, and there is hereby conveyed to Elizabeth Eastham Simpson, all of the surface of property within the presently existing outside fence line surrounding the above described Surveys or parts of Surveys insofar as such surface lies North of the division line described in Schedule 2, and all lands contiguous or adjacent to the above described real property North of the division line which is:

A. owned or claimed by Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. by limitation, prescription, possession, reversion, unrecorded instrument, or otherwise; or,

B. as to which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. have a preferential right of acquisition,

whether specifically described or not, as well as any and all right of reverter or reversion to any and all of the easements which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. may be entitled to in the above described real property, together with all rights of ingress and egress thereto arising by express grant or by implication.

clients\simpson\partition\exhibit.a

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True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

EXHIBIT "B"
Page 1 of 2

DESCRIPTION FOR RUTH EASTHAM FLOURNOY, MARY EASTHAM KING, SARAH EASTHAM CHAPOTON, AND C. STACEY EASTHAM, JR.'S PORTION OF THE PARTITION

The surface estate only in and to that portion of the 10,717.43 acres, more or less, described on Schedule 1 that lies generally South of the division line described on Schedule 2, including all or parts of the following Surveys:

	SURVEY	ABSTRACT	ORIGINAL GRANTEE
Southeast Part	30[1]	A-1130	G.C.& S.F. R.R. Co.
Southwest Part	31[2]	A-128	G.C.& S.F. R.R. Co.
Part	780[2]	A-499	Jacob Pfeiffer
Part	781[2]	A-498	Jacob Pfeiffer
Part	779[2]	A-763	Gottlieb Eberle
Part	787[2]	A-28	J.C. Brandes
Part	786[2]	A-27	J.C. Brandes
Part	785[2]	A-479	Frederick Munk
All	1	A-114	G.C. & S.F. R.R. Co.
All	2	A-1071	G.C. & S.F. R.R. Co.
All	3	A-115	G.C. & S.F. R.R. Co.
All	5	A-116	G.C. & S.F. R.R. Co.
All	6	A-1100	G.C. & S.F. R.R. Co.
All	1	A-1261	O.B. Robertson

[1] The South part of Survey 30 being all of Survey 30 lying generally South and East of that portion of the division line described on Schedule 2 that is in Survey 30.

[2] The South part of Surveys 31, 779, 780, 781, 787, 785 and 786 being all of Surveys 31, 779, 780, 781, 787, 785 and 786 lying generally South of that portion of the division line described in Schedule 2 that is in Surveys 31, 779, 780, 781, 787, 785 and 786, respectively.

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True and Correct Copy as the same appears of record in the County Clerk's Office ... County, Texas

	SURVEY	ABSTRACT	ORIGINAL GRANTEE
All	34	A-1073	H.& T.C. R.R. Co.
All	41	A-425	H.& T.C. R.R. Co.
All	42	A-1070	H.& T.C. R.R. Co.
All	42-1/2	A-1283	L.B. Cocke (Block 21, H.& T.C. R.R. Co.)
All	782	A-652	J.H. Weisheit
All	783	A-527	Wilhelm Schuler
All	784	A-528	Wilhelm Schuler
All	1	A-1252	C.E.P.I. & M. Co.
All	3	A-1252	H.M. Wallis

Notwithstanding anything herein to the contrary, Elizabeth Eastham Simpson intends to convey, and there is hereby conveyed to Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, and C. Stacey Eastham, Jr., all of the surface within the presently existing outside fence line surrounding the above described Surveys or parts of Surveys insofar as such surface lies South of the division line described in Schedule 2, and all lands contiguous or adjacent to the above described real property South of such division line which is:

A. owned or claimed by Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. by limitation, prescription, possession, reversion, unrecorded instrument, or otherwise; or,

B. as to which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. have a preferential right of acquisition,

whether specifically described or not, as well as any and all right of reverter or reversion to any and all of the easements which Ruth Eastham Flournoy, Mary Eastham King, Sarah Eastham Chapoton, Elizabeth Eastham Simpson or C. Stacey Eastham, Jr. may be entitled to in the above described real property, together with all rights of ingress and egress thereto arising by express grant or by implication.

clients\simpson\partition\exhibit.b

VOL 96 PAGE 681

True and Correct Copy as the same appears of record in the County Clerk's Office, Irion County, Texas

PROPERTY IDENTIFICATION

The subject property consists of 10,717.43 acres of land, more or less, located in Irion County, Texas, approximately 25 miles southwest of San Angelo, Texas, and eight miles southeast of Mertzon, Texas.

LEGAL DESCRIPTION

Description	No. of Acres
Survey 1, GC & SF RR Co., A-114	628.60
Survey 2, GC & SF RR Co., A-1071	645.80
Survey 3, GC & SF RR Co., A-115	643.80
Survey 5, GC & SF RR Co., A-116	625.60
Survey 6, GC & SF RR Co., A-1100	645.00
Survey 27, GC & SF RR Co., A-126	460.80
Survey 29, GC & SF RR Co., A-127	640.40
Survey 30, GC & SF RR Co., A-1130	645.80
Survey 31, GC & SF RR Co., A-128	643.70
Survey 1, O.B. Robertson, A-1261	302.13
Section 34, BLK 21, H&TC RR CO., A-1073	640.00
Section 41, BLK 21, H&TC RR CO., A-425	640.00
Section 42, BLK 21, H&TC RR CO., A-1070	640.00
Section 42 1/2, L.B. Cocke (BLK 21, H&TC RR CO.), A-1283	36.70
Thomas Walker Survey 778, A-647	161.50
Gottlieb Eberle Survey 779, A-763	229.00
Jacob Pfeiffer Survey 780, A-499	163.20
Jacob Pfeiffer Survey 781, A-498	161.50
J.H. Weisheit Survey 782, A-652	659.00
Wilhelm Schuler Survey 783, A-527	161.50
Wilhelm Schuler Survey 784, A-528	160.00
Frederick Munk Survey 785, A-479	248.00
J.C. Brandes Survey 786, A-27	158.40
J.C. Brandes Survey 787, A-28	133.60
C.E.P.I. & M. Co. Survey No. 1, A-1252	566.80
Survey 1, H.M. Wallis, A-1250	31.50
Survey 2, H.M. Wallis, A-1251	24.10
Survey 3, H.M. Wallis, A-1252	21.00
Total acreage count:	10,717.43 (more or less)

clients\simpson\partitio\schedule.1 (9/10/92)

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COUNTY COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerk's Office Irion County, Texas

SCHEDULE 2

WM. C. WILSON, JR.
AND ASSOCIATES
LICENSED STATE & REGISTERED PROFESSIONAL LAND SURVEYORS
PHONE 915/653-3916 • P.O. BOX 3326
1514 West Beauregard Ave.
SAN ANGELO, TEXAS 76902

Partition

Description
Proposed Division Line

Being a division line across G.C. & S.F.R.R. Co. Surveys 30 and 31, Gottlieb Eberle Survey 779, Jacob Pfeiffer Surveys 780 and 781, F. Munk Survey 785 and Johann Brandes Surveys 786 and 787 all in Irion County, Texas said division line also being across that "9808 acres" of land described in Deed from Amanda C. Crooks, et al to Mrs. Lillian Seeligson Winterbotham dated July 1, 1936 and recorded in Volume 20 at page 328 of the Deed Records of Irion County, Texas. Said division line being described as follows:

Beginning at a fence corner post found in an occupied West line of said "9808 acres" from which a car axle marked "N.E. 1 JJG" found in a stone mound in the South line of said Survey 30 for the N.E. corner of G.C. & S.F.R.R. Co. Survey 1 and the N.W. corner of said J.H. Weishett Survey 782 bears S.49°01'51"E. 3820.98 feet.

Thence along or near an existing fence, S.75°09'01"E. 4772.03 feet to a fence corner post.

Thence N.21°11'21"E. 369.84 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.46°27'W. 2.97 feet.

Thence N.45°49'09"E. 865.53 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.16°34'W. 2.97 feet.

Thence S.74°44'05"E. 941.29 feet to a 3/8" spike set for corner.

Thence S.68°47'24"E. 432.51 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.33°46'E. 2.94 feet.

Thence N.72°58'04"E. 1964.90 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.25°52'W. 2.97 feet.

Thence N.64°19'31"E. 1138.62 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.8°50'W. 3.00 feet.

Thence N.73°40'49"E. 542.12 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.8°05'W. 3.02 feet.

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COUNTY COURT OF IRION COUNTY, TEXAS
True and Correct Copy as the same appears
of record in the County Clerk's Office,
Irion County, Texas

SCHEDULE 2
Page 2 of 2

Partition

Description
Proposed Division Line

Thence N.87°40'13"E. 245.69 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears N.3°14'E. 3.00 feet.

Thence S.7°18'57"E. 806.20 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.11°00'E. 3.00 feet.

Thence S.86°48'28"E. 789.89 feet to a 3/8" spike set for corner from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.4°00'W. 2.99 feet.

Thence N.66°40'27"E. 724.58 feet to a point in the centerline of Dove Creek from which a set 5/8" iron rod with aluminum cap marked "WWL Survey Corner Witness" bears S.79°28'03"W. 80.05 feet.

Thence S.78°07'38"E. 728.91 feet to a point on the West side of a canal.

Thence along the West side of canal, N.46°24'28"E. 304.91 feet to a point in a fence on the South side of an existing caliche road.

Thence along or near said fence on South side of said caliche road, S.73°14'10"E. 34.12 feet; S.85°05'54"E. 139.09 feet; S.89°57'12"E. 28.18 feet; S.84°41'16"E. 553.07 feet and N.84°34'37"E. 401.46 feet to a point in the centerline of Kepler Creek for the end of this division line from which a car axle found in a small stone mound for the North Common corner of said Surveys 786 and 787 bears N.18°41'02"W. 1334.20 feet.

NOTE: Courses and distances recited herein are of the Texas Coordinate System of 1927 - Central Zone.

Surveyed on the ground June 12 thru August 26, 1992.

STATE OF TEXAS
REGISTERED
THOMAS J. HOUSTON
4261
PROFESSIONAL
LAND SURVEYOR

Thomas J. Houston
Registered Professional Land Surveyor No. 4261

Filed for record September 21, 1992, at 10:00 o'clock A.M.
Duly recorded September 22, 1992, at 11:00 o'clock A.M.
Jean Claridge, County & District Clerk, Irion County, Texas
By Deputy
Rose Flores, Deputy Clerk, Irion County, Texas

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IRION COUNTY COURT TEXAS

COUNTY COURT OF IRION COUNTY, TEXAS

True and Correct Copy as the same appears of record in the County Clerks Office, Irion County, Texas

State of Texas
County of Irion
I hereby certify this to be a true and correct copy as the same appears of record in the county clerk's office, the legal depository for such records.
SIGNED AND SEALED this date 2-13 20 12
BY Michelle Jameson
Deputy Clerk
Cori Manning
County Clerk

(6b)

File No. SF-16589

Irion County

Partition Deed (12761)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

Date: February 1, 2011

To: Commissioner Patterson

Through Jane Sarosdy
LaNell Aston
Bill Warnick
Larry Laine

From: David Land

Subject: **SF-16589: Good Faith Claimant Declaration and Order** for a Vacancy Application, GLO Scrap File No. SF-16589, Sarah E. Chapoton, Applicant (Irion County)

SUMMARY: By order dated October 8, 2010, you found a vacancy of approximately 13.56 acres in the above-captioned vacancy proceeding ("Vacancy"). The vacancy has been divided into two parts – the northern part (about 0.79 acres), and the southern part (about 12.77 acres).

The Applicant, Sarah E. Chapoton, has filed a claim for the south part (12.77 acres). Ms. Elizabeth E. Simpson has filed a claim for the north part (0.79 acres).

Based on the evidence presented, we recommend that the Applicant and the other good faith claimant listed above have a preferential right to purchase their respective portions as set out in the attached Good Faith Claimant Declaration and Order.

Recommendation: If you accept staff's recommendation, please sign the attached Declaration.

Attachment: **Good Faith Claimant Declaration and Order** for a Vacancy Application, Irion County, GLO File No. SF-16589

(68)

File No. SF-16589

Irion County

Memo to Cmr. dtd. 2-1-11

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

GENERAL LAND OFFICE

RE: APPLICATION OF SARAH E. CHAPOTON TO PURCHASE VACANT LAND IN IRION COUNTY, TEXAS	§ § § § § §	**SCRAP FILE NO. SF-16589**

DECLARATION AND ORDER CONCERNING GOOD-FAITH CLAIMANT STATUS TO APPROXIMATELY 13.56 ACRES OF VACANT LAND IN IRION COUNTY, TEXAS, FINAL VACANCY ORDER DATED OCTOBER 8, 2010 GLO NO. SF-16589

After review of the timely-filed application asserting good-faith claimant status, supporting documentation, and recommendations of the staff of the General Land Office relating to the vacancy found in an order dated October 8, 2010, in GLO Scrap File No. SF-16589, applied for by Sarah E. Chapton ("Applicant"), pertaining to 13.56 acres of land in Irion County, Texas ("Vacancy"), the undersigned, Jerry E. Patterson, Commissioner of the General Land Office, makes the following findings of fact and conclusions of law and enters this declaration and order:

FINDINGS OF FACT

1. The Applicant filed an application to purchase vacant land with the Irion County Clerk on October 31, 2008. Subsequently, the application was properly filed on November 7, 2008 with the General Land Office and identified as GLO Scrap File No. SF-16589.

2. The Applicant and Elizabeth E. Simpson were necessary parties to this Vacancy proceeding SF-16589.

3. On November 10, 2009, the GLO conducted a hearing in Austin, Texas, on the Applicant's vacancy application in compliance with Section 51.187 of the Texas Natural Resources Code.

4. The Commissioner of the General Land Office, by order dated October 8, 2010, found that a vacancy containing approximately 13.56 acres existed as described in the survey prepared by Thomas J. Houston, Licensed State Land Surveyor ("L.S.L.S."). The Houston Survey field notes and report are filed in the GLO archive file SF 16589; the Plat is filed of record in the GLO Archives and Records map room as Irion County Rolled Sketch No. 25.

5. Elizabeth E. Simpson timely filed a good-faith claimant affidavit and supporting documents claiming a surface interest in a 0.79 acre portion of the Vacancy.

6. The documents filed by Ms. Simpson included affidavits showing use and occupation of the 0.79 acre portion of the Vacancy that she is claiming for more than ten years.

7. The Applicant, Sarah E. Chapoton, timely filed a good-faith claimant affidavit and supporting documents claiming a surface interest in a 12.77 acre portion of the Vacancy.

8. The documents filed by the Applicant included affidavits showing use and occupation of the 12.77 acres that she is claiming for more than ten years.

CONCLUSIONS OF LAW

1. In accordance with Section 51.193(c) of the Texas Natural Resources Code, the Commissioner of the General Land Office is vested with the authority to declare whether a necessary party is a good-faith claimant.

Elizabeth E. Simpson

2. The good-faith claimant affidavit and supporting documents filed by Elizabeth E. Simpson establishes that the she is a good-faith claimant, as defined in Section 51.172(2)(B) of the Texas Natural Resources Code, to a tract of about 0.79 acres in the Vacancy. Ms. Simpson has provided proof that, as of the application commencement date, February 20, 2009, Ms. Simpson has had a portion of the vacant land described in the next paragraph within definite boundaries recognized in the community and in possession under a chain of title for at least 10 years with a good-faith belief that the land was included within the boundary of a survey or surveys that were previously titled, awarded or sold under circumstances that would have vested title in the land if the land were actually located within the boundary of the survey or surveys.

3. The portion of the Vacancy to which Ms. Simpson is a good-faith claimant is further described as follows:

   Being 0.79 acres of the north part of SF16589 bounded on the west by the Gonzales County School Land, on the north by the G.C. & S.F. RR. Co. Survey No. 27, on the east by the westernmost part of the G.C. & S.F. RR. Co. Survey No. 30, and on the south by the south part of SF16589.

4. Elizabeth E. Simpson has a preferential right to purchase the same surface interest in the Vacancy claimed in the land before the land was declared vacant. The purchase and sale of the Vacancy will take place under terms and conditions to be established by the School Land Board.

Sarah E. Chapoton

5. The good-faith claimant affidavit and supporting documents filed by Sarah E. Chapoton establishes that she is a good-faith claimant, as defined in Section

51.172(2)(B) of the Texas Natural Resources Code, to a tract of about 12.77 acres in the Vacancy. Ms. Chapoton has provided proof that, as of the application commencement date, February 20, 2009, Ms. Chapoton has had a portion of the vacant land described in the next paragraph within definite boundaries recognized in the community and in possession under a chain of title for at least 10 years with a good-faith belief that the land was included within the boundary of a survey or surveys that were previously titled, awarded or sold under circumstances that would have vested title in the land if the land were actually located within the boundary of the survey or surveys.

6. The portion of the Vacancy to which Ms. Chapoton is a good-faith claimant is further described as follows:

   Being 12.77 acres of the south part of SF16589 bounded on the west by the Gonzales County School Land and the O.B. Robertson Survey No. 1, on the south by the G.C. & S.F. RR. Co. No. 2 Survey, on the east by the G.C. & S.F. RR. Co. Survey Nos. 1 & 30, and on the north by the north part of SF16589.

7. Ms. Chapoton has established a preferential right to purchase the same surface interest in the portion of the Vacancy that she had in the land before the land was declared vacant. The purchase and sale of the surface interest in the portion of the Vacancy will take place under terms and conditions to be established by the School Land Board.

DECLARATION AND ORDER

IT IS HEREBY DECLARED AND ORDERED that the preceding Findings of Fact and Conclusions of Law are adopted as controlling in this matter and that the parties herein named are good-faith claimants with the preferential right to purchase certain interests in the Vacancy as described herein. This Declaration and Order is effective on the date on which it is signed.

Signed by order and authority of the Commissioner of the General Land Office, on February 8, 2011.

Jerry E. Patterson

JERRY E. PATTERSON
COMMISSIONER, GENERAL LAND OFFICE

(69)

File No. SF-16589

Irion County

Order re: GFC Declaration

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

February 10, 2011

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, Maryland 20815

RE: FINAL DECLARATION AND ORDER OF LAND COMMISSIONER JERRY PATTERSON Determining the Status and Preferential Rights of Good-Faith Claimant in Vacancy Proceeding SF-16589, Sarah E. Chapoton, Applicant (Irion County, Texas) and **APPLICATION TO PURCHASE**

Dear Ms. Chapoton:

Land Commissioner Jerry Patterson has issued a final declaration and order concerning good-faith claimant status ("Order") in the above-captioned vacancy dated February 8, 2011, in which you filed a good-faith claimant affidavit. As a good-faith claimant with a supportable claim, the Commissioner found that you have a preferential right to purchase the surface estate in a 12.77-acre portion of the vacancy described in the Order referenced above.

Enclosed you will find an Application to purchase the vacant land. Please complete the blank areas of the form and mail the completed application to the following address with a check for the required property appraisal in the amount of **FIVE HUNDRED DOLLARS ($500.00),** payable to "Texas General Land Office":

Susan Sugarek **Mail Code 157**
Asset Management Division
Texas General Land Office
P.O. Box 12873
Austin, TX 78711

Please ensure that the GLO receives the Application no later than March 28, 2011. Once the Application is received and the appraisal completed, we will contact you about the terms and conditions of the purchase and sale that will be set by the School Land Board.

If you have any questions about the purchase and sale process, please feel free to contact me at david.land@glo.state.tx.us or by phone at (512) 463-5450.

Sincerely,

David N. Land
Attorney at Law

cc: Frank Rose, Attorney
John Chapoton

(10)

File No. SF-16589

Irion County

Ltr. to S. Chapoton dtd. 2-10-11

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

February 10, 2011

Ms. Elizabeth E. Simpson
P. O. Box 639
Comstock, Texas 78837

RE: FINAL DECLARATION AND ORDER OF LAND COMMISSIONER JERRY PATTERSON Determining the Status and Preferential Rights of Good-Faith Claimant in Vacancy Proceeding SF-16589, Sarah E. Chapoton, Applicant (Irion County, Texas) and **APPLICATION TO PURCHASE**

Dear Ms. Simpson:

Land Commissioner Jerry Patterson has issued a final declaration and order concerning good-faith claimant status ("Order") in the above-captioned vacancy dated February 8, 2011, in which you filed a good-faith claimant affidavit. As a good-faith claimant with a supportable claim, the Commissioner found that you have a preferential right to purchase the surface estate in a 0.79-acre portion of the vacancy described in the Order referenced above.

Enclosed you will find an Application to purchase the vacant land. Please complete the blank areas of the form and mail the completed application to the following address:

Susan Sugarek Mail Code 157
Asset Management Division
Texas General Land Office
P.O. Box 12873
Austin, TX 78711

Please ensure that the GLO receives the Application no later than March 28, 2011. Once the Application is received and the appraisal completed, we will contact you about the terms and conditions of the purchase and sale that will be set by the School Land Board.

If you have any questions about the purchase and sale process, please feel free to contact me at david.land@glo.state.tx.us or by phone at (512) 463-5450.

Sincerely,

David N. Land
Attorney at Law

(71)

File No. SF-16589

Irion County

Ltr. to E. Simpson

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Susan Sugarek - SF 16589 Chapoton, Irion Co.

From: Cheli Cook
To: Susan Sugarek
Date: 2/10/2011 2:17 PM
Subject: SF 16589 Chapoton, Irion Co.

Mailed Letter, Final Declaration and Order of Land Commissioner and Application to Purchase to Simpson and Chapoton (John Chapoton and Frank Rose, Atty) + Requ. for Appl. Fee to Ms. Chapoton

32 pieces 8 1/2 x 11 paper
4 letter size envelopes
Postage .61 x 4 = $2.44

(12)

File No. SF-16589

Irion County

Postage expense

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

REQUEST TO PURCHASE
LAND (SURFACE ONLY) OR LEASE MINERALS ON LAND DESCRIBED
IN VACANCY PROCEEDING
GLO SCRAP FILE NO. SF 16589;
SARAH E. CHAPOTON, APPLICANT,
IRION COUNTY, TEXAS

Your Name Sarah E. Chapoton
Your Mailing Address 18 West Kirke St ; Chevy Chase, Md 20815
Your Telephone Number 301- 654 6530
Date of Application 2-19-11

Please deliver or mail this application to the attention of Susan Sugarek, Mail Code 157, Texas General Land Office, 1700 N. Congress Ave. (physical address), P.O. Box 12873, Austin, TX 78711-2873

On October 8, 2010, the Commissioner of the General Land Office issued an order in this vacancy proceeding declaring a vacancy of 13.56 acres in Irion County, described as follows:

Being the Sarah E. Chapoton Survey bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O.B. Robertson Survey No. 1, Abstract No. 1261, on the North by the G.C. & S.F. R.R. Survey 27, Abstract No. 126, on the east by the G.C. & S.F. R.R. Survey 1, Abstract No. 114 and the G.C. & S.F. R.R. Survey No. 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Survey No. 2, Abstract No. 1071 in Irion County, Texas, situated approximately six miles southeast of Merzon, Texas.

On February 8, 2011, the Commissioner of the General Land Office issued an order in this vacancy proceeding declaring that each of the following necessary parties is a good-faith claimant with respect to the portion of the vacant land described as follows:

1. **Good-Faith Claimant Sarah E. Chapoton has a preferential right to purchase 12.77 acres of vacant land, described as follows:**

   Being 12.77 acres of the southern part bounded on the west by the Gonzales County School Land and the O.B. Robertson Survey No. 1, on the south by the G.C. & S.F. RR. Co. Survey No. 2, and on the east by the G.C. & S.F. RR. Co. Survey Nos. 1 & 30.

2. **Good-Faith Claimant Elizabeth E. Simpson has a preferential right to purchase 0.79 acres of vacant land, described as follows:**

   Being 0.79 acres of the northern part bounded on the west by the Gonzales County School Land, on the north by the G.C. & S.F. RR. Co. Survey No. 27, and on the east by the westernmost part of the G.C. & S.F. RR. Co. Survey No. 30.

On this 19th **day of** Feb. **, 20** 11 **, by this application I,** Sarah E Chapoton, **apply to exercise my preferential right to purchase interests in the portion of the vacant land described in paragraph _____ above.**

I ACKNOWLEDGE AND UNDERSTAND THE FOLLOWING STATEMENTS:

1. **I MUST FILE THIS COMPLETED APPLICATION FORM WITH THE GENERAL LAND OFFICE BY MARCH 28, 2011 OR MY PREFERENTIAL RIGHT TO PURCHASE WILL EXPIRE. ANY REQUESTS FOR A TIME EXTENSION MUST BE RECEIVED BY THE GENERAL LAND OFFICE NOT LATER THAN TEN DAYS BEFORE THE DATE LISTED ABOVE.**

2. **IF THEY HAVE NOT BEEN SUBMITTED, I MUST SUBMIT SURVEYING FIELD NOTES DESCRIBING THE PORTION OF THE VACANCY FOR WHICH I AM EXERCISING MY PREFERENTIAL RIGHT, AND I MUST PAY A SURVEYOR TO PREPARE THE FIELD NOTES.**

3. **I MAY BE REQUIRED TO PAY ALL OR A PORTION OF THE COST OF APPRAISAL OF THE VACANT LAND, WHICH THE GENERAL LAND OFFICE WILL PERFORM TO ADVISE THE SCHOOL LAND BOARD ON THE TERMS OF SALE OR LEASE.**

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EXTINGUISH MY PREFERENTIAL RIGHT TO PURCHASE OR LEASE.

5. **UPON NOTICE OF ACCEPTANCE BY THE SCHOOL LAND BOARD, I WILL BE REQUIRED TO PAY 100% OF THE PURCHASE PRICE PLUS A STATUTORY SALES FEE OF 1.5% OF THE PURCHASE PRICE, PURSUANT TO TNRC SECTION 32.110.**

DATE: 2-19-11 By: SARAH E CHAPOTON

Please print your name

Sarah E Chapoton

Signature

(73)

File No. SF-16589

Irion County

Request to Purch. - Chapoton

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

11/09/28

157

S. E. CHAPOTON
J. E. CHAPOTON
18 W. KIRKE ST.
CHEVY CHASE, MD 20815
(301) 654-6530

11706249 4910

PNC BANK, N.A.

15-3-540

2-19-11

PAY TO THE ORDER OF Texas General Land Office $500.00

Five hundred and 00/100 DOLLARS

Security features. Details on back.

MEMO Appraisal fee.

S. E. Chapoton
AUTHORIZED SIGNATURE

(74)

File No. SF-16589

Frion County

Proof of Appraisal Fee

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

REQUEST TO PURCHASE
LAND (SURFACE ONLY) OR LEASE MINERALS ON LAND DESCRIBED
IN VACANCY PROCEEDING
GLO SCRAP FILE NO. SF 16589;
SARAH E. CHAPOTON, APPLICANT,

IRION COUNTY, TEXAS

Your Name Elizabeth E Simpson

Your Mailing Address PO Box 639 Comstock TX 78837-0639

Your Telephone Number 432-292-4434 Cell 713 963-0097

Date of Application 2/17/11

Please deliver or mail this application to the attention of Susan Sugarek, Mail Code 157, Texas General Land Office, 1700 N. Congress Ave. (physical address), P.O. Box 12873, Austin, TX 78711-2873

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On February 8, 2011, the Commissioner of the General Land Office issued an order in this vacancy proceeding declaring that each of the following necessary parties is a good-faith claimant with respect to the portion of the vacant land described as follows:

1. **Good-Faith Claimant Sarah E. Chapoton has a preferential right to purchase 12.77 acres of vacant land, described as follows:**

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2. **Good-Faith Claimant Elizabeth E. Simpson has a preferential right to purchase 0.79 acres of vacant land, described as follows:**

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On this 17 **day of** Feb **, 20** 11 **, by this application I,** Elizabeth E. Simpson **apply to exercise my preferential right to purchase interests in the portion of the vacant land described in paragraph** 2 **above.**

I ACKNOWLEDGE AND UNDERSTAND THE FOLLOWING STATEMENTS:

1. **I MUST FILE THIS COMPLETED APPLICATION FORM WITH THE GENERAL LAND OFFICE BY MARCH 28, 2011 OR MY PREFERENTIAL RIGHT TO PURCHASE WILL EXPIRE. ANY REQUESTS FOR A TIME EXTENSION MUST BE RECEIVED BY THE GENERAL LAND OFFICE NOT LATER THAN TEN DAYS BEFORE THE DATE LISTED ABOVE.**

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EXTINGUISH MY PREFERENTIAL RIGHT TO PURCHASE OR LEASE.

5. **UPON NOTICE OF ACCEPTANCE BY THE SCHOOL LAND BOARD, I WILL BE REQUIRED TO PAY 100% OF THE PURCHASE PRICE PLUS A STATUTORY SALES FEE OF 1.5% OF THE PURCHASE PRICE, PURSUANT TO TNRC SECTION 32.110.**

DATE: 2/17/11 By: Elizabeth E Simpson

Please print your name

Elizabeth E. Simpson

Signature

(75)

File No. SF-16589

Irion County

Request to Punch - Simpson

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

TEXAS GENERAL LAND OFFICE
ON BEHALF OF THE
PERMANENT SCHOOL FUND
TO THE
SCHOOL LAND BOARD

SUBJECT: Consideration and action on two applications to purchase vacant land by direct sale, File No. SF-16589, Irion County, Texas:

(A) The north-part of SF-16589 containing 0.79 acre out of a 13.56 acre tract determined to be a Vacancy in a final order signed by the Commissioner on October 8, 2010 and described as bounded on the west by the Gonzales County School Land; on the north by the G.C. & S.F. RR. Co. Survey No. 27, on the east by the westernmost part of the G.C. & S. F. RR. Co. Survey No. 30, and on the south by the south part of SF-16589. The purchaser is Elizabeth E. Simpson, a good-faith claimant, PO Box 639, Comstock, TX, 78837-0639.

(B) The south-part of SF-16589 containing 12.77 acres out of a 13.56 acre tract determined to be a Vacancy as described above. The purchaser is Sarah E. Chapoton, a good-faith claimant and the Applicant, 18 W. Kirke St., Chevy Chase, MD 20815.

ITEM NUMBER: 4

ATTACHMENTS: 5

ACTION: X

DATE OF MEETING: May 3, 2011

INFORMATION: ____

PRESENTER: Susan Sugarek

Authority

The General Land Office (GLO) sells vacant land pursuant to the terms of Chapter 32, Subchapter D, and Chapter 51, Subchapters B, C, and E of the Texas Natural Resources Code.

Background

A Vacancy is unsurveyed public school land that has never been included in a survey that was previously titled, awarded or sold and has never been listed on the records of the GLO as public school land. The SLB sets the price and conditions for the sale of vacant school fund land.

Pursuant to 51.172(2)(B) of the Texas Natural Resources Code, Ms. Simpson and Ms. Chapoton are accorded a preferential right to purchase or lease the portion of the vacancy to which they are a Good Faith Claimant. Mertzon, the county seat is located approximately 5 miles to the southeast with most amenities. The subject tracts have access provided by dirt CR 113.

A terms summary, the applications to purchase, a memo from Energy Resources, and the appraisal report are attached.

Recommendation

Staff recommends approval of this sale as being in the best interest of the Permanent School Fund with the reservation of all minerals and mineral leasing rights, all groundwater and groundwater leasing rights, save and except residential and domestic uses of groundwater, and all rights to test for and develop geothermal resources and to produce, lease, store and/or transmit electrical power generated thereby to the state as well as the right of ingress and egress to explore for and produce the same and the placement of related structures.

Staff further recommends that the sale proceeds be deposited into the escrow account as authorized by Texas Natural Resources Code §51.401. In addition, the purchasers will pay the sales price along with the 1.5% sales fee required by Texas Natural Resources Code §32.110.

By:

Susan Sugarek

Date Prepared: April 18, 2011

Approved by:

Clay Chenault, Sovereign Dispositions Coordinator
Asset Management Division

Robert J. Siddall, Director of Inventory and Dispositions
Asset Management Division

Hal Croft, Deputy Commissioner
Asset Management Division

Approved:

JERRY E. PATTERSON
Commissioner of the General Land Office and
Chairman of the School Land Board

DATE: 13 MAY 2011

TERMS SUMMARY
FILE NUMBER SF-16589

Applicants: A.) Elizabeth E. Simpson
B.) Sarah E. Chapoton

Property: A.) the north part of SF-16589, Irion County, Texas
B.) the south part of SF-16589, Irion County, Texas

Acreage: A.) 0.79 acres
B.) 12.77 acres

Our Basis: Vacancy

Recommended Sales Price: A.) $624.00 surface value only
$790.00/acre
100% of appraised value

B.) $10,088.00 surface only
$790.00/acre
100% of appraised value

Payment: Cash

Statutory Sales Fee: 1.5%

Conveyance: Land Award and Receipt

Closing: 30 days after approval by the board

Reservations to the State: Oil, gas, other minerals, Groundwater and Geothermal Resources

Other Information:

Asset Manager: Susan Sugarek

Approved by: Clay Chenault 4/18/2014
Clay Chenault, Sovereign Dispositions Coordinator
Asset Management Division

REQUEST TO PURCHASE
LAND (SURFACE ONLY) OR LEASE MINERALS ON LAND
DESCRIBED
IN VACANCY PROCEEDING
GLO SCRAP FILE NO. SF 16589;
SARAH E. CHAPOTON, APPLICANT,
IRION COUNTY, TEXAS

Your Name Elizabeth E Simpson
Your Mailing Address PO Box 639 Comstock Tx 78837-0639
Your Telephone Number 432-292-4434 Cell 713 963-0097
Date of Application 2/17/11

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DATE: 2/19/11 By: Elizabeth E Simpson

Please print your name

Elizabeth E. Simpson

Signature

REQUEST TO PURCHASE
LAND (SURFACE ONLY) OR LEASE MINERALS ON LAND
DESCRIBED
IN VACANCY PROCEEDING
GLO SCRAP FILE NO. SF 16589;
SARAH E. CHAPOTON, APPLICANT,
IRION COUNTY, TEXAS

Your Name Sarah E. Chapoton

Your Mailing Address 18 West Kirke St ; Chevy Chase, Md 20815

Your Telephone Number 301-654 6530

Date of Application 2-19-11

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On this 19th **day of** Feb., 20 11, **by this application I,** Sarah E Chapoton, **apply to exercise my preferential right to purchase interests in the portion of the vacant land described in paragraph _____ above.**

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DATE: 2-19-11

By: SARAH E CHAPOTON
Please print your name

Sarah E Chapoton
Signature

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: **May 3, 2011**

TO: **School Land Board**

FROM: **Bill Farr, Energy Resources**

SUBJECT: **Vacancy Tracts, SF-16589, 13.56 acres in Irion County**

Staff recommends that the state retain all oil, gas, coal, lignite, sulphur, and other mineral substances from which sulphur may be derived or produced, salt, potash, uranium, thorium, geothermal resources, and all other minerals in and under the land described above wherever located and by whatever method recovered, as well as the right to lease such minerals and the right of ingress and egress to explore for and produce the same.

(71)

File No. SF-16589

Irion County

SLB Memo

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Suganeh

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

May 3, 2011

Ms. Sarah E. Chapoton
18 W. Kirke St.
Chevy Chase, MD 20815

Re: Approved vacancy sale of 12.77 acres, Sarah E. Chapoton, Applicant & Good Faith Claimant, Irion County, Texas, File No. SF-16589

Dear Ms. Chapoton:

Today, the School Land Board approved the vacancy sale of the referenced tract for a purchase price of $10,088.00, surface only. Also, a 1.5 % statutory sales fee in the amount of $151.32 is due. This fee represents 1.5% of the total purchase price.

In order to close this sale, please forward $10,239.32 in the form of a check made payable to the Texas General Land Office, within thirty days from the date of this letter. When the required payment is received, you will receive a LAND AWARD AND RECEIPT for the tract.

If you have any questions, please contact me at (512) 463-5161. In order to insure proper handling, please attach a copy of this letter and direct your correspondence to my attention at: Texas General Land Office, Asset Management Division, PO Box 12873, Austin, TX 78711-2873.

Sincerely,

Susan Sugarek
Asset Management Division

(98)

File No. SF-16589

Irion County

SLB Appr. ltr. -Chapoton

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

May 3, 2011

Ms. Elizabeth E. Simpson
PO Box 639
Comstock, TX 78837-0639

Re: Approved vacancy sale of 0.79 acre, Elizabeth E. Simpson, Good Faith Claimant, Irion County, Texas, File No. SF-16589

Dear Ms. Simpson:

Today, the School Land Board approved the vacancy sale of the referenced tract for a purchase price of $624.00, surface only. Also, a 1.5 % statutory sales fee in the amount of $9.36 is due. This fee represents 1.5% of the total purchase price.

In order to close this sale, please forward $633.36 in the form of a check made payable to the Texas General Land Office, within thirty days from the date of this letter. When the required payment is received, you will receive a LAND AWARD AND RECEIPT for the tract.

If you have any questions, please contact me at (512) 463-5161. In order to insure proper handling, please attach a copy of this letter and direct your correspondence to my attention at: Texas General Land Office, Asset Management Division, PO Box 12873, Austin, TX 78711-2873.

Sincerely,

Susan Sugarek
Asset Management Division

(79)

File No. SF-16589

Irion County

SLB Appr. Ltr. (Simpson)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

Texas General Land Office and Veterans Land Board

Posted General Ledger Transactions - ASSET HH POSTED TRANSACTION

DD20110606WL01

Transaction Description	Remitter - Transaction Documents	Document Date	AY Code	Register Number - Transaction Lines	ID	LeaseNumber - Transaction Lines	RevGLA Code	Debit	Credit	GLA Title	CustomerCheckNumber - Transaction Documents
<Prepay>	DOVE CREEK PARTNERS Sarah E. Chapoton	6/2/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3325000		$10,239.32	SMAR-PREPAYMENTS	3619
<Prepay>	DOVE CREEK PARTNERS Sarah E. Chapoton	6/2/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3325000	$10,239.32		Cash in State Treasury	3619
Report Total								$10,239.32	$10,239.32		

20110606PK0001

Transaction Description	Remitter - Transaction Documents	Document Date	AY Code	Register Number - Transaction Lines	ID	LeaseNumber - Transaction Lines	RevGLA Code	Debit	Credit	GLA Title	CustomerCheckNumber - Transaction Documents
157; 1 1/2% sale	DOVE CREEK PARTNERS Sarah E. Chapoton	6/6/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3302005		$151.32	Asset 1-1/2% Land Sale Fee	3619
157; 1 1/2% sale	DOVE CREEK PARTNERS Sarah E. Chapoton	6/6/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3302005	$151.32		Asset 1-1/2% Land Sale Fee	3619
157; 12.77 acres vacancy SF-016589	DOVE CREEK PARTNERS Sarah E. Chapoton	6/6/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3861050		$10,088.00	Gain/Loss - PSF Int Real Assets Inv Sovereign/Min	3619
157; 12.77 acres vacancy SF-016589	DOVE CREEK PARTNERS Sarah E. Chapoton	6/6/2011	2011	11711186	C000050134 Sarah E. Chapoton	SF-16589	3861050	$10,088.00		Gain/Loss - PSF Int Real Assets Inv Sovereign/Min	3619
Report Total								$10,239.32	$10,239.32		

(80)

File No. SF-16589

Irion County

Payment info. (Chapoton)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

July 25, 2011

Ms. Sarah E. Chapoton
18 W. Kirke St.
Chevy Chase, MD 20815

Re: Land Award for Vacancy sale, SF-16589, 12.77 acres, Irion County, Texas

Dear Ms. Chapoton:

Enclosed is your Land Award and Receipt for the referenced sales. **Please be aware that it is your responsibility to have the land award and attached field notes recorded in the real property records of the Irion County Clerk's Office in order to protect your rights in this property.**

In accordance with Section 51.065 of the Texas Natural Resources Code, the Texas General Land Office will notify the county clerk of the sale, the purchaser's name and address, and the purchase price. This information will then become public record.

Although the land award conveys clear equitable title, some people wish to apply for a patent, which conveys full legal title. Please be aware that obtaining a patent is optional for the buyer. According to our Surveying Division, a patent may be issued for this tract based on the field notes of record in this office. For your reference, enclosed are brief instructions for patenting lands in case you are interested.

Please call me at (512) 463-5161 if I can answer any questions or provide additional information.

Sincerely,

Susan Sugarek
Asset Management

Enclosures

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

(81)

File No. SF-16589

Irion County

Land Awd. ltr. (Chapoton)

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

LAND AWARD AND RECEIPT

Under the terms of Chapter 51, Subchapter E, Sections 51.171, et seq., Texas Natural Resources Code, relating to the sale of vacant and unsurveyed public school land.

GENERAL LAND OFFICE
AUSTIN, TEXAS

FILE NO. SF-16589

Whereas, Sarah E. Chapoton, of 18 W. Kirke St., Chevy Chase, MD 20815 (Applicant), has in the manner and form prescribed by law, filed in this office an application to purchase the following described vacant land as a good faith claimant, to-wit:

> Being the south part of the Sarah E. Chapoton Survey containing 12.77 acres out of the 13.56 acre tract determined to be a Vacancy and bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O. B. Robertson Survey 1, Abstract No. 1261, on the east by the G.C. & S. F. R.R. Co. Survey 1, Abstract No. 114 and the G.C. & S.F R.R. Co. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Co. Survey 2, Abstract No. 1071 and on the north by the north part of the Sarah E. Chapoton Survey in Irion County, Texas and being more particularly described by metes and bounds in "Exhibit A" attached hereto and incorporated herein for all purposes; (Property).

Whereas, the School Land Board having fixed the price of said Property, and the State of Texas having received TEN THOUSAND EIGHTY-EIGHT and NO/100 Dollars ($10,088.00) as the full payment, therefor.

Now, therefore, I, Jerry E. Patterson, Commissioner of the General Land Office and Chairman of the School Land Board, acting for the State of Texas, on behalf of the Permanent School Fund, (Grantor), do hereby award to said Applicant the Property described above, as Grantee; provided, however, that there is reserved and retained unto Grantor, for the use and benefit of the Permanent School Fund, (1) all oil, gas, coal, lignite, sulphur and other mineral substances from which sulphur may be derived or produced, salt, potash, uranium, thorium, and all other minerals in and under the Property described above wherever located and by whatever method recovered; (2) all rights and interests in and to groundwater underlying the Property described above; (3) the right to develop geothermal resources and to produce, lease, store and/or transmit electrical power generated

thereby; (4) the right to test for, explore for, produce, lease, and store such minerals, groundwater, and geothermal resources and to place, construct, maintain, and operate any structures necessary and incident thereto at a site or sites as determined by Grantor; and (5) the right of ingress and egress necessary to explore for, produce and store the said minerals, groundwater, and geothermal resources.

Further provided, however, Grantee shall have the right to use so much of the groundwater underlying the said Property as may be reasonable and necessary for Grantee's residential and domestic purposes only. Grantee, its successors, and assigns shall have no right to use any groundwater underlying the Property conveyed herein for any commercial or industrial purposes.

This award is made and accepted subject to any and all easements, rights-of-way, leases, and other matters of record, and those visible and apparent on the ground, affecting or related to the said Property. These easements, restrictions, and covenants run with the Property, are binding on Grantee, its successors, and assigns, and are forever enforceable by Grantor.

APPROVED BY THE SCHOOL LAND BOARD: May 3, 2011

FULL PAYMENT RECEIVED: June 2, 2011

WITNESS MY HAND AND SEAL OF OFFICE.

JERRY E. PATTERSON
Commissioner, General Land Office
Chairman, School Land Board

DATE: 19 July 2011

APPROVED:

Content
Surveying
Legal Services
Deputy Commissioner
General Counsel
Chief Clerk

27316

EXHIBIT "A"

THE STATE OF TEXAS § South part of
§ Sarah E. Chapoton
COUNTY OF IRION § Survey S.F. 16589

See Irion County Rolled Sketch No. 25

FIELD NOTES of a survey of 12.77 acres of land made for Sarah E. Chapoton, by virtue of her application to purchase or lease vacant land filed with the Commissioner of the General Land Office, Austin, Texas on the 31st day of October, 2008, under the laws regulating the sale and lease of unsurveyed school land. Said land is situated in Irion County about 6 miles S.40°E. from Mertzon, the County Seat, and is described by metes and bounds as follows, to wit:

Beginning at a 5' tall galvanized iron pipe found in the west line of S.F. 16589 long recognized as the SE corner of Gonzales County School Land, Abstract 97 and the NE corner of O.B. Robertson Survey 1, Abstract 1261 from which a 38" live oak bears N.18°18'E. 10.7 varas, a 40" live oak bears N.46°38'W. 16.5 varas and a corner post bears S.42°11'E. 0.9 varas. Said galvanized iron pipe having coordinates on the Texas Coordinate System of 1927 - Central Zone of Y=196,635.62 varas and X=672,954.23 varas.

Thence with said west line of S.F. 16589 and the east line of said Gonzales County School Land and along or near a fence, N.0°38'55"E. 4179.65 varas to a point in fence for the NW corner of this survey and the SW corner of the 0.79 acre north part of S.F. 16589 from which a 5/8" iron rod with cap marked "RPLS 4261" set at corner post for witness bears N.75°09'01"W. 1.23 varas and a 3/8" spike found in a stone mound in fence for a southwest corner of G.C. & S.F. R.R. Co. Survey 27, Abstract 126 and the NW corner of said S.F. 16589 bears N.0°38'55"E. 200.70 varas.

Thence with the south line of said 0.79 acre north part of S.F. 16589 and along or near a fence, S.75°09'01"E. 22.38 varas to a point in the east line of S.F. 16589 and west line of G.C. & S.F. R.R. Co. Survey 30, Abstract 1130 for the SE corner of said 0.79 acre north part of S.F. 16589 and the NE corner of this survey from which a 5/8" iron rod with cap marked "RPLS 4261" set on north side of fence for witness bears N.22°39'03"E. 0.22 varas and a point for the NE corner of S.F. 16589 bears N.0°47'32"E. 206.65 varas.

Thence with said east line of S.F. 16589 and said west line of Survey 30, S.0°47'32"W. 881.06 varas to a car axle found for the original SW corner of said Survey 30 and the original NW corner of G.C. & S.F. R.R. Co. Survey 1, Abstract 114.

Thence with said east line of S.F. 16589 and the west line of said G.C.& S.F. R.R. Co. Survey 1, S.0°47'32"W. 3872.00 varas to a point in the north line of G.C.& S.F. R.R. Co. Survey 2, Abstract 1071 for the south corner of S.F. 16589, the SW corner of said G.C. & S.F. R.R. Co. Survey 1 and the SE corner of said O.B. Robertson Survey 1 from which a car axle found in a stone mound for the NE corner of said Survey 2 bears S.89°13'16"E. 783.52 varas.

Thence with said west line of S.F. 16589 and the east line of said Robertson Survey 1, N.0°19'13"W. 578.96 varas to the place of beginning and containing 12.77 acres of land.

CONTROL: N.G.S. Triangulation Station Akinson
Data for Station Akinson
Y=229,649.73 varas, X=712,253.12 varas,
Theta Angle = -0°02'08", Scale factor = 0.9999084,
Elevation factor = 0.9999099 (all at Akinson).
All courses, distances and coordinates recited herein are those of the Texas Coordinate System of 1927 - Central Zone.

FIELD SURVEY PERSONNEL: Gerald R. Price and Brad S. McCoy

Surveyed on the ground June 1992 thru July 23, 2008.

I, Thomas J. Houston, Licensed State Land Surveyor of Tom Green County, Texas do hereby certify that the foregoing survey was made on the ground according to law, and on the date and with the field survey personnel aforesaid 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 foregoing field notes, just as I found or set them on the ground.

Thomas J. Houston
Licensed State Land Surveyor
San Angelo, Texas

Filed for record in my office, the _____ day of _____, 2010, at _____ o'clock ____M, and duly recorded the _____ day of _____ 2010, in Vol. _____, Page _____ of the Official Public Records of Irion County, Texas.

Cori Manning,
County Clerk

FILED
AT 10:55 O'CLOCK A. M
ON THE 22 DAY OF NOV.
A.D., 20 10
INS. NO. 22316
Cori Manning
County Clerk, Irion Co., Texas
Michelle Jameson
DEPUTY

STATE OF TEXAS
COUNTY OF IRION
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Public Records of Irion County, Texas.
Michelle Jameson
Deputy
Cori Manning
County Clerk, Irion County, Texas
VOL. 186 PAGE 606
RECORDED 12-01-10

VOL 186 PAGE 607

(82)

File No. SF-16589

Irion County

Land Award

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

August 9, 2011

Ms. Cori Manning
Irion County Clerk
PO Box 736
Mertzon, TX 76941-0736

Re: Sale of state-owned Vacant land, File No. SF-16589, Irion County, Texas

Dear Ms. Manning:

In accordance with Section 51.065 of the Texas Natural Resources Code, this is to inform you that the Texas General Land Office has sold state-owned land described as:

> Being the south part of the Sarah E. Chapoton Survey containing 12.77 acres out of the 13.56 acre tract determined to be a Vacancy and bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O. B. Robertson Survey 1, Abstract No. 1261, on the east by the G.C. & S. F. R.R. Co. Survey 1, Abstract No. 114 and the G.C. & S.F R.R. Co. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Co. Survey 2, Abstract No. 1071 and on the north by the north part of the Sarah E. Chapoton Survey in Irion County, Texas and being more particularly described by metes and bounds in "Exhibit A" attached hereto and incorporated herein for all purposes; (Property).

Purchaser: Sarah E. Chapoton
18 W. Kirke St.
Chevy Chase, MD 20815

Date of School Land Board Approval: May 3, 2011
Full Payment Received: June 2, 2011
Purchase Price: $10,088.00

Please make a notation of the issuance of this LAND AWARD in your records. It is the responsibility of the purchasers to have their land awards recorded in your office. If you have any questions you may contact me at (512) 463-5161.

Sincerely,

Susan Sugarek
Asset Management

Enclosure

(83)

File No. SF-16589 Irion County

Ltr. to Co Clerk dtd. 8-9-11

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

August 9, 2011

Ms. Joyce Gray
Irion County Assessor-Collector
PO Box 859
Mertzon, TX 76941-0859

Re: Sale of state-owned Vacant land, SF-16589, Irion County, Texas

Dear Ms. Gray:

This is to inform you that the Texas General Land Office has sold state-owned land described as:

> Being the south part of the Sarah E. Chapoton Survey containing 12.77 acres out of the 13.56 acre tract determined to be a Vacancy and bounded on the west by the Gonzales County School Land, Abstract No. 97 and the O. B. Robertson Survey 1, Abstract No. 1261, on the east by the G.C. & S. F. R.R. Co. Survey 1, Abstract No. 114 and the G.C. & S.F R.R. Co. Survey 30, Abstract No. 1130, on the south by the G.C. & S.F. R.R. Co. Survey 2, Abstract No. 1071 and on the north by the north part of the Sarah E. Chapoton Survey in Irion County, Texas and being more particularly described by metes and bounds in "Exhibit A" attached hereto and incorporated herein for all purposes; (Property).

Purchaser: Sarah E. Chapoton
18 W. Kirke St.
Chevy Chase, MD 20815

Date of School Land Board Approval: May 3, 2011
Full Payment Received: June 2, 2011
Purchase Price: $10,088.00

If you have any questions, you may contact me at (512) 463-5161.

Sincerely,

Susan Sugarek
Asset Management

Enclosure

(84)

File No. SF-165889

Union County

Tx. Ab Co. Assessor-Collector

Date Filed: 9-13-11

Jerry E. Patterson, Commissioner

By S. Sugarek

TEXAS GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

September 16, 2011

Ms. Sarah E. Chapoton
18 West Kirke St.
Chevy Chase, MD 20815

Re: Refund of balance for vacancy cost deposit, Applicant-Sarah E. Chapoton, SF-16589, Irion County, Texas

Dear Ms. Chapoton:

Pursuant to the provisions of 51.177 (b) of the TNRC, please find enclosed the final statement of all deposits and expenditures for the above stated manner. Enclosed is Warrant No. 125470682 in the amount of $418.43, being your remaining balance for the vacancy cost deposit.

I am returning one completed Application to Purchase or Lease Vacant Land along with extra documents not needed by this office. Also, enclosed are the Patent Request Requirements that were previously mailed to you with your Land Award & Receipt.

If you have any questions, please feel free to contact me at (512) 463-5161.

Sincerely,

Susan K. Sugarek

Susan K. Sugarek
Asset Management Division
Dispositions

Enclosures

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

Acct Balance as of:	9/16/2011				
	SF 16589				
Irion County					
Sarah E Chapoton					
Applicant					
Date	**Reference**	**Voucher Number**	**Amount Received**	**Amount Paid**	**Balance**
1/20/2009	Vacancy Cost Deposit		$3,000.00		$3,000.00
2/18/2009	Mld. Notice to NPs (Applic. Filed) Postage/cert. mail	P-3373		43.56	$2,956.44
02/20/09	Ltr. Re: Ad litem appointment Postage	P-3373		$ 2.70	$2,953.74
04/01/09	Atty. Ad litem expenses (Thompson & Kerby)	P-3332		$ 138.75	$2,814.99
04/24/09	Atty. Ad litem expenses (Thompson & Kerby)	P-4003		$ 1,295.00	$1,519.99
06/01/09	Atty. Ad litem expenses (Thompson & Kerby)	P-4642		$ 187.69	$1,332.30
06/10/09	Postage	P-5060		$ 218.23	$1,114.07
06/10/09	Copies Of Plat	P-5060		$ 174.00	$940.07
7/1/2009	Vacancy Cost Deposit		$4,500.00		$5,440.07
07/01/09	Atty. Ad litem expenses (Thompson & Kerby)	P-5409		$ 3,709.25	$1,730.82
09/01/09	Atty. Ad litem expenses (Thompson & Kerby)	P-0032		$ 37.00	$1,693.82
10/12/09	Postage - Mailed Notice of Hearing	P-0363		$ 15.84	$1,677.98
11/02/09	Thompson & Kerby-ad litem expenses	P-0925		$ 175.75	$1,502.23
12/01/09	Thompson & Kerby-ad litem expenses	P-1499		$ 809.70	$692.53
02/05/10	Thompson & Kerby-ad litem expenses	P-3545		$ 18.50	$674.03
02/10/11	Postage: Request for Appraisal Fee ltr.	P-3129		$ 2.44	$671.59
03/05/10	Thompson & Kerby-ad litem expenses	P-3904		$ 46.25	$625.34
05/24/10	Thompson & Kerby-ad litem expenses (email to Mr Land)	P-5031		$ 18.50	$606.84
06/03/10	Thompson & Kerby-ad litem expenses	P-7334		$ 18.50	$588.34
10/15/10	Postage for Final Order mail-out	P-0465		$ 43.92	$544.42
11/09/10	Thompson & Kerby-ad litem expenses	P-1014		$ 120.25	$424.17
06/02/11	Postage-Ltr. To Chapoton (certified)	P-4295		$ 5.32	$418.85
09/14/11	Postage-Ltr to T. Houston on 12/22/08	P-5771		$ 0.42	$418.43
09/14/11	Refund Balance of Vacancy Cost Deposit	P-5772		$ 418.43	$0.00

(85)

File No. SF-16589

Irion County

Cost deposit refund ltr.

Date Filed: 9-16-2011

Jerry E. Patterson, Commissioner

By S Sugarek

86

File No. Scrapfile 016589
Irion
Vacancy Hearing Video
Date Filed: 10-5-2011
Jerry E. Patterson, Commissioner
By Susan Smith Dorsey

Texas General Land Office
VACANCY HEARING
SF16589
Chapoton, Irion County
November 10, 2009

CD

.rm file requires
RealPlayer software

Contents: One .rm video files

Runs 59 min

VACANCY
ARCHIVE FILE ROUTING CHECKLIST
ARCHIVES AND RECORDS DIVISION

New SF ~~or MA~~ No.: 16589

Split Out No. (if Applicable)_____ Base File No. _____(if Applicable)

Assigned Control No.: _____

County: Irion Acres: 12.77

*Vacancy Direct Sale ✓ *Vacancy Denied _____ Vacancy Dismissed w/ or w/out Prejudice _____

ACTIVE ARCHIVE FILE!
This file has been transferred to you until returned to *Susan Dorsey*

AREA	ACTION	COMPLETED *Please check or write N/A here*	DATE *Please indicate date file is reviewed*	INITIALS
ASSET MGMT: Susan Sugarek	Index New File	✓		SS
	Obtain Abstract Number from Surveying	✓		✓
	Endorse Authority for Conveyance, Paid in Full, Mineral Reservation, and Groundwater Reservation	✓	9-14-11	✓
ARCHIVES: Susan Dorsey	Transfer File and Track Routing			
SURVEYING: Bill O'Hara	Verify File Jacket Acreage	✓	9-14-11	BO
	Endorse Field Notes, if applicable	✓	↓	↓
	Verify or Note Abstract Number on File Jacket, if applicable	✓		
	Make Endorsements to File Jacket, including references to other files, rolled sketches, sketch files, etc.	✓	9-14-11	BO
SURVEYING: Doug Howard	Update County Map with Abstract Number & Patent Notation, if applicable	✓ MC	11-1-11	JPB
	Update School Land Register	✓	11-1-11	JPB
GIS: ~~Jeff Perkins~~ Robert Brennan	Update OTLS and/or GIS Web	✓	12/8/11	RB
ENERGY: Jesse Arellano	Update Mineral Map, if applicable	✓	8/1/2012	✓
ARCHIVES: Susan Dorsey	Review GLOBase & PSFLand	✓	9-10-2012	SSD
	Index Archive File Routing Checklist	✓		
	Transfer File to Vault & Have File Scanned	✓		

Revised – 03/18/10
Susan Sugarek, Asset Management

87

File No. ST 016589

Trion

Archive File Routing Checklist

Date Filed: 9-10-2012

Jerry E. Patterson, Commissioner

By

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

DATE: May 16, 2013

TO: GLO Scrap File (SF) 16589, Sarah E. Chapoton Applicant, Irion County

FROM: LaNell Aston, Office of Chief Clerk

SUBJECT: Application Closing Memo

Sarah E. Chapoton filed a vacancy application in the Irion County Surveyor's records on October 31, 2008. The application for the purchase of a 13.56 acre tract of allegedly vacant land in Irion County, Texas was received by the GLO on November 7, 2008. The vacancy application was assigned GLO File No. SF 16589. Thomas Houston, Licensed State Land Surveyor, prepared a survey report, field notes, and a survey plat, which were filed with the GLO.

The GLO determined that an attorney ad litem must be appointed under TNRC §51.180 and appointed Camie Wade, J.D., of Thompson & Kirby in Lubbock, Texas, to serve as attorney ad litem for any unidentified or unlocated necessary parties to the application. The attorney ad litem identified additional necessary parties not previously listed by the Applicant and filed a proper affidavit with the GLO stating that a search for necessary parties had been conducted as required by TNRC §51.180. All located necessary parties were notified by the GLO.

The GLO held a hearing on the Chapoton application on November 10, 2009, in the GLO offices in Austin, Texas, to take evidence on whether the alleged vacancy in GLO Scrap File 16589 was unsurveyed public school land.

On May 21, 2010, the vacancy review panel, consisting of Stacey Steinbach and Billy Mullens, GLO staff attorneys, and David Pyle, Licensed State Land Surveyor, submitted to Commissioner Jerry Patterson recommended Findings of Fact and Conclusions of Law and recommended that the Commissioner issue a Final Order with a finding that 13.56 acres of VACANT LAND does exist.

On October 8, 2010, Commissioner Patterson adopted the panel's Findings of Fact and Conclusions of Law, signed the Final Order with a finding that a vacancy does exist and endorsed the file jacket for SF 16589 "Vacancy Approved".

(88)

File No. SF 16589

Irion Co.

Appl. Closing Memo

Date Filed: 5-29-2013

Jerry E. Patterson, Commissioner

By L. Aston