SF 13655

File 1

SF 13655

Harris County

SCHOOL LAND

Abst. 1707

(844) M&G 3-25-36 LCH 42 66/100 Acres

Survey No.

Approved - Sec. 5 (Preference) M+G. 2 77 a[illegible]
J H Walk
Comr.
3-25-36

Block No.

Surveyed for

Viola + D. H. Kegler

29 mi. N35W

Sold under Sec. 5 of [redacted] Ch. 271, Gen. Laws, 42nd Leg.

On MA. 28290, J. L. Webb. Otherwise fieldnotes correct on map of Harris County. 2-27-36. C.F. Blucher

Pat. to Viola + D.H. Kegler with MA. 7/19/37
J Lehmann

REG. MK'D PTD.
MAP MK'D PTD.

Patented July 21 1937

No. 18 Vol. 66a

Mailed Co. Clk. 7-23 1937

135/167

Abst. Vol. 59-60

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8. Disp. Award & Receipt 3-25-36 LCH

1-17-1936
1.00 Rec. Fee
3.00 Pat. Fee 10157-1
D. H. Kegler
Huffsmith, Texas.

Paid in full for 42 66/100 acres LCH 3-25-36

APPLICATION FOR SURVEY

(To Purchase)

To J. S. Boyles county surveyor of Harris County, Texas.

By virtue of an Act approved May 29, 1931, I hereby apply for a survey of the following described area believed to be unsurveyed land belonging to the public free school fund, with a view to the purchase of the same under said Act.

Situated in Harris County, Texas, about 33 miles from the county site. Said tract is bounded as follows:

On the North East by the Elizabeth Smith Survey, Abstract 70; on the South East by the G. C. & S. F. R. R. Company Survey No. 2; on the South by the John Lenze Survey, Abstract No. 1406; on the West by the John Mitchell Survey, Abstract No. 570, and on the North by the C. N. Pillott Survey, Abstract No.632.

(N. B. Write name and P. O. address distinctly.)

Viola Kegler
Viola Kegler
D. H. Kegler
D. H. Kegler

Applicants.

P. O. Hufsmith Texas

I, J. S. Boyles county surveyor of Harris County, Texas, hereby certify that the above and foregoing application was filed for record on the 13th day of November 1935 at 1:55 o'clock P M., and recorded in Vol. 9 page 28 in Surveyor's records, Harris County, Texas.

J. S. Boyles
J. S. Boyles
By Marie Cobb Office Deputy

S5313-435-1m

(1)

Land Office File SF 13655

APPLICATION FOR SURVEY
(To Purchase)

Filed the ..... day of ..... 19....

at ..... o'clock ..... M.

Recorded Vol. ..... Page .....

.....
County Surveyor

..... County

Filed in General Land Office

Jan. 17, 1936

John W. Hawkins
Actg. — Commissioner

By Louise C Harwood Clerk

3-139
P-48

STATE OF TEXAS }
COUNTY OF HARRIS }

Field notes of a survey of 42.66 acres made for Viola and D. H. Kegler by virtue of application of survey to purchase under Act approved May 29, 1931, filed with the County Surveyor, Harris County, Texas on November 13, 1935 at 1:55 o'clock P. M. and recorded in Application Book No. 9, Page 28.

Said land is situated in Harris County, Texas about 23 miles North 35 deg. West from Houston on the waters of Willow Creek.

BEGINNING at a 3/4" pipe in fence corner the same being the West corner of G.C.& S.F. R.R. Co. No. 2, the Northeast corner of the John Lenze Survey and the South corner of the Elizabeth Smith League from which the chimney on John Lenze's house brs. South 24 deg. 36' West and the chimney on the Ferris house brs. North 86 deg. 29' West;

THENCE with the Southwest line of the Elizabeth Smith League North 45 deg. 31' West at 966 vs. enter a gully which crosses back and forth over the line several times, in all 1193.15 vs. to a 3/4" pipe in old marked line and being 46.5 vs. due South of the center line of Willow Creek from which a 12" Sweet Gum marked X, hack above and below, brs. North 42-1/4 deg. West 15.9 vs., an 8" Sweet Gum marked K over X brs. South 35-3/4 deg. West 9.4 vs., and a 17" Pine marked K over X brs. South 01 deg. West 25.7 vs., the said pipe is the Southeast corner of the C. N. Pillott Survey;

THENCE with the South line of the C. N. Pillott Survey South 88 deg. 51' West 280.2 vs. to a 3/4" pipe the Northeast corner of the John Mitchell Survey and being 1483 vs. East of the Northwest corner of said Mitchell Survey. Said pipe is 89 vs. South of the center of Willow Creek. A 12" Pine marked K over X brs. North 82 deg. 50' East 8.9 vs., and a 12" Sweet Gum marked the same brs. North 32 deg. 20' East 7.0 vs.;

THENCE with the East line of the said Mitchell Survey as patented South 45 deg. 20' East. At 320 vs. cross a ditch and in all 1185.6 vs. to a 1" rod, the Southeast corner of the Mitchell Survey on the North line of the John Lenze Survey. A lone Pine 12" diam. marked K over X brs. North 63 deg. 17' West 81.35 vs., chimney on the Ferris house brs. North 85 deg. 58' West, chimney on John Lenze's house brs. South 15 deg. 08' East;

THENCE with the North line of the said John Lenze Survey and along the South edge of the Boudreaux Road North 89 deg. 25' East 288.2 vs. to the place of beginning.

Surveyed January 14, 1936 Variation 9 deg. 22' East

J. Luditch)
H. Fullerton) Chainmen

W. Wellman) Instrumentman

I, N. E. Wicklund, Deputy Surveyor, Harris County, Texas, hereby certify that the foregoing survey was made on the ground according to law, that the limits, boundaries and corners together with the marks natural and artificial are truly described in the foregoing field notes just as I found them on the ground.

N. E. Wicklund
N. E. Wicklund,
Deputy Surveyor, Harris Co. Texas

I, J. S. Boyles, County Surveyor, Harris County, Texas, hereby certify that I have examined the foregoing field notes and the accompanying Map No. 4132-R-A and find them correct and that the field notes are recorded in my office in Vol. M, Page 168, in Harris County, Texas.

J. S. Boyles,
County Surveyor, Harris County,
Texas

SF 13655 (2)

Field Notes
Filed
Jan. 17, 1936
John W. Hartman
Cnty. Commissioner
Pct. 3 Harris County

An. MA. 28290, J.L. Webb. Otherwise, fieldnotes correct on map of Harris County.
2-27-36. C.F. Blucher

Patented
7-21-37
Elledge & Sam

Jan. 17, 1936

C/C 2-26-36
Barrow

L. O. FORM 47

APPLICATION AND OBLIGATION TO PURCHASE SCHOOL LAND WITHOUT SETTLEMENT

Tomball, Harris Co., Texas, Jan. 16th 1936

To the Commissioner of the General Land Office, Austin, Texas:

I hereby apply to purchase the following land under the provisions of the laws relating to the sale of school land without settlement and with a reservation of 1-8 of the sulphur and 1-16 of all the other minerals as a free royalty to the State. The land is situated in Harris, County Texas, about 23 miles (give course) N. 35° W. from the county site; and I agree to pay for said land the price per acre specified below:

Section	Block	Township	Certificate	GRANTEE	Acres	Price Per Acre Offered	Classification
			SF 13655	Viola & D. H. Kegler	42 66	$2 77	M & D

I am over twenty-one years of age.

I agree that the sale to me is upon the express conditions of a reservation of 1-8 of the sulphur and one-sixteenth (1-16) of all other minerals as a free royalty to the State. I herewith enclose the sum of $ (118.17/100) One Hundred Eighteen 17/100 as the — Full — (Insert whether "full" or "one-fortieth") cash payment therefor, and subscribe to the following oath, to wit:

We, Viola Kegler and husband D. H. Kegler, do solemnly swear that we desire to purchase the land for ourselves and that no other person or corporation is interested in the purchase thereof either directly or indirectly.

Viola Kegler

D H Kegler Applicants.

Post Office Hufsmith, Harris Co, Texas

Sworn to and subscribed before me, this the 16 day of January, 1936

J Boyle

Notary Public Harris County, Texas.

NOTE—If applicant pays all cash, he should tear off the obligation below. (Officer must not omit seal.)

OBLIGATION

$ School Lands.

File No. .....

(3)

No. SF 13655

APPLICATION OF

Viola & D. H. Kegler

P. O. Hufsmith, Texas

WITHOUT SETTLEMENT

Section	Block	Certificate	Acres
		SF 13655	42 66

Township	Grantee
	Viola & D. H. Kegler

In Harris County.

Filed Jan. 17, 1936

John W. Hawkins

Actg. Commissioner General Land Office.

Awarded March. 25 1936

Rejected 19

J. H. Walker

Commissioner General Land Office.

Roll .....

Class M & G

Appr'm't ✓

Appl'n .....

Obligation .....

Seal .....

Map .....

Lease .....

On Market Act 1931

Form 1540B-M340-631-10M

Report 26
Sh - 1

118 17 10156

att

JAN 17 1936

S 311 102

R114

No. 7370

N. Pillot To Alcide Duclos

Deed

The State of Texas; Know all men by these presents: That I, N. Pillot of the County of Harris and State aforesaid in consideration of the sum of six hundred dollars cash $100.00 and five promissory notes for $100.00 each to me paid by Alcide Duclos of Harris County and State ofTexas, have granted, bargained sold and conveyed and by these presents do grant, bargain sell and convey unto the said Alcide Duclos all that certain parcel or tract of land, and premises lying and being situated in Harris County and State of Texas to wit:

Two hundred and twenty (220) acres of land out of the east end of a survey of 320 acres originally granted to John Mitchell Situated Willow Creek about 26 miles N. W. from the City of Houston, beginning at a stake in the prairie 100 vs S. 45° E from Willow Creek on the South West line of the E. Smith League the same being the East corner of the C. N. Pillot 1280 acres, a blackjack 12 ins in diam mkd P X bears N. 38° E 14 vs. Thence west 1079 vs with said Pillot's South boundary line to a stake crossing Willow Creek at 510 vs and again at 150 vs. Thence south 831 vs to a stake in the South line of said Survey or the North line of the Perkins League. Thence east 1910 vs along said line to a stake, Thence North 45° W 1187 vs along the Smith league line to the place of beginning, together with all and singular the rights, members, hereditaments and appurtenances to the same belonging or in anywise incident or appertaining.

To have and to hold all and singular the premises above mentioned unto the said Alcide Duclos his heirs and assigns forever. And I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said Alcide Duclos his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand this 24th day of December A. D. 1883.

N. Pillot

The State of Texas, Before me, J. C. Sellers a
County of Harris. Notary Public of Harris County
in said State on this day personally appeared N. Pillot, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office at Spring Creek this 24th day of December A. D. 1883.

J. C. Sellers, Notary Public, Harris County. (Seal).

Filed February 8th, 1886 at 11:20 o'clock A. M. and recorded February 17th 1886 at 9:40 A. M.

The State of Texas I, Henry M. Dudley, Clerk County Court
County of Harris. in and for Harris County, Texas do hereby certify that the above and foregoing is a true and correct copy of Deed dated December 24, 1883 from N.Pillot to Alcide Duclos as the same appears of record in my office in records of Deeds, Vol. 34 page 120.

Given under my hand and the seal of said Court at office in Houston, Texas, this 2 day of Jan. A. D. 1936.

Henry M. Dudley, Clerk
County Court, Harris County, Texas.
By Vivian Watts Deputy

Witness my hand this 24th day of December A. D. 1883.

N. Pillot

The State of Texas, Before me, J. C. Sellers a

County of Harris. Notary Public of Harris County

in said State on this day personally appeared N. Pillot, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office at Spring Creek this 24th day of December A. D. 1883.

J. C. Sellers, Notary Public, Harris County. (Seal).

Filed February 8th, 1886 at 11:20 o'clock A. M. and recorded February 17th 1886 at 9:40 A. M.

The State of Texas, I, Henry M. Dudley, Clerk County Court

County of Harris. in and for Harris County, Texas do

hereby certify that the above and foregoing is a true and correct copy of Deed dated December 24, 1883 from N.Pillot to Alcide Duclos as the same appears of record in my office in records of Deeds, Vol. 34 page 120.

Given under my hand and the seal of said Court at office in Houston, Texas, this 2 day of Jan. A. D. 1936.

Henry M. Dudley, Clerk

County Court, Harris County, Texas.

By _____ Deputy

SF 13655 (4)

Transfer filed Jan. 17, 1936

J. H. Walker, Comr.

By Jerome E. Harwood

No. 114235

Alcide Duclos etal To Viola Keglar

General Warranty Deed

The State of Texas, Know all men by these presents:

County of Harris. That we, Alcide Duclos, and Sarah Duclos, his wife, of the County of Harris and State of Texas for and in consideration of the sum of one dollars to us in hand paid by Viola Keglar, formerly Viola Duclos, and for the further consideration of our love and affection for her, our daughter, it is expressly stipulated and is so accepted by her, our said daughter, her heirs and assigns that this conveyance of 73 1/3 acres is in full of her entire interest in our estate and that she has no further demands,either now or hereafter on same for a furtherdivision.

Have granted, sold and conveyed and by these presents do grant, sell and convey unto the said Viola Keglar, her heirs and assigns of the County of Harris and State of Texas, all that certain tract or parcel of land, being the East end of the Jno Mitchell Survey conveyed to Alcide Duclos by N. Pillot, deed dated 24 day of December 1883, recorded in the office for recording deed in Harris Co. Tex, vol. 34, pages 120 & 121 to which refference is had for an entire description of said tract or parcel of land.

Said tract herein conveyed being the East end as aforesaid of the 220 acres, conveyed by N. Pillot as aforesaid and containing 73 1/3 acres described as follows:

Beginning at a stake one hundred (100v) varas S. 45° E. from Willow Creek in said County & State on the S. W. Line of the E. Smith league, the same being the E. corner of the C. N. Pillot 1280 acres, a black jack 12 inches in diameter marked bears N. 38° E. 14 varas; Thence W 229 feet to a stake, thence S. 831 varas to a stake; Thence E. 2528 feet to a stake corner of the Jno. Mitchell Survey thence N. 45° W 1187 varas along the Smith league to the place of beginning the same being 73 1/3 acres.

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To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Viola Keglar, heirs and assigns forever; and we do hereby bind ourselves, and our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said Viola Keglar her heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Huntersretreat this 9th day of July A. D. 1900

Alcide Duclos Sarah Duclos

The State of Texas
County of Montgomery

Before me Basil Baker J.P. and Ex Officio Notary Public in and for Montgomery County Texas on this day personally appeared Alcide Duclos, to me known to me the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 9th day of July A.D.1900

Basil Baker J.P. and Ex Officio Notary Public. (Seal)

(10¢ Stamps Canceled)

The State of Texas,
County of Montgomery

Before me Basil Baker J.P. and Ex Officio notary Public in and for Montgomery County Texas on this day personally appeared Sarah Duclos wife of Alcide Duclos, to me known to be the person whose name is subscribed to the foregoing instrument and having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Sarah Duclos acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 9th day of July A. D. 1900

Basil Baker J.P. and Ex Officio Notary Public (Seal)

(10¢ Stamp Canceled)

Filed for record Feb. 5, 1913 at 8:25 o'clock A.M.

a

Recorded Feb. 6, 1913 at 4:00 o'clock P.M.

Geo Jones, Clerk County Court, Harris County, Texas.

By W. C. Rau Deputy

The State of Texas,
County of Harris.

I, Henry M. Dudley Clerk County Court in and for Harris County Texas do hereby certify that the above and foregoing is a true and correct copy of General Warranty Deed dated July 9, 1900 from Alcide Duclos et al to Viola Keglar as the same appears of record in my office in records of Deeds Vol. 296 page 618.

Given under my hand and the seal of said Court at office in Houston Texas, this 2 day of Jan A. D. 1936.

Henry M. Dudley Clerk

County Court Harris County, Texas.

By Vivian Matte Deputy.

SF13655 (5)

Transfer
Filed
Jan. 17, 1936
J. H. Walker, Co. Clk
By Louise C. Harwood

2

STATE OF TEXAS
County of Hardin

I, Henry M. Dunlap County Clerk in and for Hardin County Texas do hereby certify that the foregoing and annexed copy of a deed of trust from Alvin Jones to Alvin Register, dated July 5, 1930 and filed for record in my office on the 5 day of July A.D. 1930 at 10:45 o'clock A.M. and duly recorded in Vol. 50 page 619 of the Deed Records of said County.

Witness my hand and the seal of said County Court at my office in Hardin County, Texas, this the 7 day of July A.D. 1936.

Henry M. Dunlap
County Clerk, Hardin County, Texas

By Louise C. Harwood
Deputy

STATE OF TEXAS
County of Hardin

I, Henry M. Dunlap County Clerk in and for Hardin County, Texas do hereby certify that the above and foregoing is a true and correct copy of General Warranty Vendors Lien Deed of Trust from Alvin Jones to Alvin Register, dated July 5, 1930 as of record in my office in Deed Records of said County, Texas, this the 7 day of July A.D. 1936.

Witness my hand and the seal of said County Court at my office in Hardin County, Texas, this the 7 day of July A.D. 1936.

Henry M. Dunlap
County Clerk, Hardin County, Texas

By Louise C. Harwood
Deputy

STATE OF TEXAS
County of Hardin

I, Henry M. Dunlap County Clerk in and for Hardin County, Texas do hereby certify that the foregoing and annexed copy of a deed of trust from Alvin Jones to Alvin Register, dated July 5, 1930 and filed for record in my office on the 5 day of July A.D. 1930 at 10:45 o'clock A.M. and duly recorded in Vol. 50 page 619 of the Deed Records of said County, Texas, this the 7 day of July A.D. 1936.

Henry M. Dunlap
County Clerk, Hardin County, Texas

By Louise C. Harwood
Deputy

THE STATE OF TEXAS, |

COUNTY OF HARRIS. |

KNOW ALL MEN BY THESE PRESENTS: That before me, the undersigned authority, on this day personally appeared Viola Kegler, known to me to be a person whose statements are worthy of full faith and credit, who being by me first duly sworn on her oath deposed and said as follows:

My name is Viola Kegler. I am the wife of D. H. Kegler. My husband and I are the owners of that certain tract of land being the East 73-1/2 acres of a 220-acre tract conveyed by N. Pillot to Aleide Duclos by deed dated December 24, 1883, recorded in Vol. 34, Page 120 and 121 of the Deed Records of Harris County, Texas, said 73-1/2 acres being more specifically described as follows, to-wit:

> One hundred vrs. South 45 deg. east from Willow Creek in said county, and State on the southwest lines of the E. Smith league, the same being the east corner of the C. N. Pillot 1280 acres, a black jack 12 in. in dia. marked i bears west 38' east 14 vrs., thence west 229 feet to a stake, thence south 831 vrs. to a stake, thence east 2528 ft. to a stake, corner of the M. Mitchell survey, thence north 45' west 1187 vrs. along the Smith league to the place of beginning, the same being 73-1/3 acres.

From N. Pillot To Aleide Duclos. See Transfer No. 4, Thru transfer No. 5, SF 13655. LEH 2-24-36

That said tract of land was acquired by the present owners by deed from Aleide Duclos to Viola Kegler, dated Dec. 24. 1883, and recorded in Vol. 34, Page 120-121, of the Deed Records of Harris County, Texas, that this affiant and her husband, D. H. Kegler, moved upon said 73-1/2 acres on the 15th day of December, A. D. 1900, and have erected on said 73-1/2 acres improvements including a house and barns and the usual and customary out houses in connection therewith, and this affiant and her husband have lived on said 73-1/2 acres since said date and are now living thereon. That they have surrounded such 73-1/2 acres with a fence, and affiant and her husband, D. H. Kegler, have been in actual possession thereof, occupying and using the same and your affiant and her husband, D. H. Kegler, have used and occupied as a part of said 73-1/2 acres all of the land described as follows, to-wit:

> Situated in Harris County, Texas, about 33 miles from the county site. Said tract being bounded as follows:
>
> On the Northeast by the Elizabeth Smith Survey, Abst.70;
> On the Southeast by the GC&SF RR Co. Sur. No. 2;
> On the South by the John Lenze Survey, Abst. No.1406;
> On the West by the John Mitchell Survey, Abst.No.570;
> On the North by the C. N. Pillot Survey, Abst. No. 632.

If any of the area last above described is found to be vacant and unpatented land, said area has been used and occupied by me, the affiant, and my husband, D. H. Kegler, as a part and portion of the said 73-1/2 acre tract and was purchased in good faith by the said Aleide Duclos from N. Pillot, as above set out,

as a part of the 220 acres conveyed to the said Duclos in the said deed from N. Pillot and has been occupied by this affiant and her husband under said deed from Aleide Duclos to this affiant as a part of said 73-1/2-acre tract; that the use and occupancy of said land by affiant and her husband, D. H. Kegler, has been continuous, open, peaceable and adverse, and under the belief that it was a portion of the 73-1/2-acre tract above described.

That no person, firm or corporation is interested in said land or the purchase thereof, either directly or indirectly, other than this affiant and her husband, D. H. Kegler, and no other person, firm or corporation has any title to, or interest in, said land.

Further affiant saith not.

Viola Kegler

SWORN to and subscribed before me, this the 10th day of February, A. D. 1936.

H B Brown

NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared D. H. Kegler, known to me to be a person whose statements are worthy of full faith and credit, who, after reading the foregoing affidavit, being by me first duly sworn, on his oath deposed and said:

I have read the foregoing affidavit and know that the statements therein contained are true and correct.

D. H. Kegler

SWORN to and subscribed before me, this the 10th day of February, A. D. 1936.

H B Brown

NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared Viola Kegler and D.H. Kegler, known to me to be persons whose statements are worthy of full faith and credit, each of whom, being by me first duly sworn, on his oath deposed and said:

I have read the foregoing affidavit and know of my own knowledge that the statements therein contained with reference to the use and occupancy of the land therein referred to and therein described are true and correct.

Viola Kegler
D. H. Kegler

SWORN to and subscribed before me, this the 10th day of February, A. D. 1936.

J. P. Brown
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared L. B. Hanson and Mertie Hanson, known to me to be persons whose statements are worthy of full faith and credit, each of whom, being by me first duly sworn, on his oath deposed and said:

I have read the foregoing affidavit and know of my own knowledge that the statements therein contained with reference to the use and occupancy of the land therein referred to and therein described are true and correct.

L. B. Hanson
Mertie Hanson

SWORN to and subscribed before me, this the 11th day of February, A. D. 1936.

A. J. Fulghum
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared Lucie Hegler and D. H. Hegler, known to me to be persons whose statements are worthy of full faith and credit, each of whom, being by me first duly sworn, on his oath deposed and said:

I have read the foregoing affidavit and know of my own knowledge that the statements therein contained with reference to the use and occupancy of the land therein referred to and therein described are true and correct.

Lucie Hegler

D. H. Hegler

SWORN to and subscribed before me, this the 12th day of February, A. D. 1936.

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared L. B. Hanson and Mettie Hanson, known to me to be persons whose statements are worthy of full faith and credit, each of whom, being by me first duly sworn, on his oath deposed and said:

I have read the foregoing affidavit and know of my own knowledge that the statements therein contained with reference to the use and occupancy of the land therein referred to and therein described are true and correct.

L. B. Hanson

Mettie Hanson

SWORN to and subscribed before me, this the 11th day of February, A. D. 1936.

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS.

SF 13655

Affidavit
Field
Feb. 12, 1936
Lucie Hegler, Comm.
By Louise C. Harwood

(6)

THE STATE OF TEXAS, }
COUNTY OF HARRIS. }

KNOW ALL MEN BY THESE PRESENTS: That before me, the undersigned authority, on this day personally appeared Viola Kegler and her husband, D. H. Kegler, both known to me to be persons whose statements are worthy of full faith and credit, who being by me first duly sworn, each for himself on oath deposed and said:

We are the owners of 73-1/2 acres of land situated in Harris County, Texas, and more specifically described as follows, to-wit:

One hundred vrs. South 45 deg. east from Willow Creek in said county and State on the southwest lines of the E. Smith League, the same being the east corner of the C. N. Pillot 1280 acres, a black jack 12 in. in dia. marked i bears west 38' east 14 vrs., thence west 229 feet to a stake, thence south 831 vrs. to a stake, thence east 2528 ft. to a stake, corner of the M. Mitchell survey, thence north 45' west 1187 vrs. along the Smith league to the place of beginning, the same being 73-1/2 acres,

which land includes the following described tract of land situated in Harris County, Texas, to-wit:

Situated in Harris County, Texas, about 33 miles from the county site. Said tract being bounded as follows:

On the Northeast by the Elizabeth Smith Survey, Abst. 70;
On the Southeast by the GC&SF RR Co. Sur. No. 2;
On the South by the John Lenze Survey, Abst.No.1406;
On the West by the John Mitchell Survey, Abst.No.570;
On the North by the C. N. Pillot Survey, Abst.No.632;

We have occupied and are now occupying the last above described tract as a part of said 73-1/2 acres, and have applied to the General Land Office of the State of Texas at Austin to purchase said last above described tract under the preference right given to us under the Act of the Legislature of the State of Texas, approved May 29, 1931.

That in connection with said application we do here now state that the above described land is not subject to any oil, gas or mineral lease of any kind or character, and we have sold none of the oil, gas or other minerals under said land, but are the sole owners of said land and all rights therein, that we have not agreed to give to any person, firm or corporation an oil, gas or mineral lease on said land, or any part thereof, nor have we agreed to convey any interest in said land or the minerals thereunder to any person, firm or corporation, and are not obligated

C

in any way so to do.

Further affiants saith not.

Viola Kegler

D. H. Kegler

SWORN to and subscribed before me, this the 28th day of February, A. D. 1936.

J. B. Brown

NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS.

NOTARY PUBLIC COUNTY OF HARRIS TEXAS

Filed for Record
March 2, 1936
at 10:00 o'clock A.M.
Recorded March 5, 1936
at 3:00 o'clock P.M.
Fee $2.00

in any way so to do.

Further affiants saith not.

Clara Teipler

C. H. Teipler

SWORN to and subscribed before me, this the 28th day of February, A. D. 1936.

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS.

NOTARY PUBLIC COUNTY OF HARRIS STATE OF TEXAS

SF 13655

(7)

Affidavit
Filed
March 3, 1936
J. W. Tilker, Comr.
By Bruce Harwood

C2

POSTED

Ledger 135

Page 167

DUPLICATE AWARD AND RECEIPT

File No. SF 13655

Date of Award March 25, 1936

GENERAL LAND OFFICE,
AUSTIN, TEXAS

WHEREAS, Viola and D. H. Kegler

of Hufsmith, Texas, has, in the manner and form prescribed by law, filed in this office an application and obligation to purchase the following land, to-wit:

SECTION	BLOCK	TOWNSHIP	CERTIFICATE	GRANTEE	ACRES	PRICE	COUNTY
			SF 13655	Viola + D.H. Kegler	42.66	$2.77	Harris

Date of Sale ~~Jan. 17, 1936~~

Amount of Note $ —

Rate of Interest — Per cent

Due November 1st Annually
SCHOOL LAND

And the State having received $ 118.12 as full ~~first~~ cash payment thereon, I do hereby award to said applicant the survey of land described above with a reservation of ~~one-eighth of the sulphur and one-sixteenth of all~~ the ~~other~~ minerals ~~as a free royalty~~ to the State as prescribed by law.

J. H. Walker
Commissioner General Land Office.

Form 2847b-M339-631-1m in dup.

Ledger 135

Page 167

GENERAL LAND OFFICE,
AUSTIN, TEXAS

DUPLICATE AWARD AND RECEIPT

File No. SF13655

Date of Award March 25, 1936

WHEREAS, Truelove and R. H. Hughes

of Hughesville, Texas, has, in the manner and form prescribed by law, filed in this office an application and obligation to purchase the following land, to-wit:

SECTION	BLOCK	TOWNSHIP	CERTIFICATE	GRANTEE	ACRES	PRICE	COUNTY
			75655	Truelove + R.H. Hughes	40	$2.12	Harris

And the State having received $ 2.12 as full cash payment thereon, I do hereby award to said applicant the survey of land described above with a reservation of ~~one-eighth of the royalties and one-tenth of all~~ the other minerals as required by law to the State as prescribed by law.

Commissioner General Land Office.

Per cent

Annually

HOOD AND ARD

Perforate with 3-hole-punch in dup.

Dup. Award + Receipt
Issued
March 25, 1936
J. W. Allred, Comr.
By Verne C. Howard

SF13655

8

1359

HUFFSMITH, Texas
October 19, 1935

In re: Application No. 28290

Hon. J.H. Walker,
Land Commissioner,
Austin, Texas.

Dear Sir:

Wish to acknowledge receipt of your letter of October 15 with regard to application of J.L. Webb to lease the survey of 45 acres of land situated east of the J. Mitchell Survey, west of the E. Smith Survey, south of the Pillott Survey, and north of the Lenz Survey. Mr. Durst has never notified me, either personally or by registered mail, of his intention to make such a survey. He has notified me that he intended to make a survey of the land bounded by the C.N. Pillott Survey on the north, the John Lenz on the south, the E. Smith on the east, and the Wm. Usener on the west. Your letter indicates that the land he intends to survey is bounded by the Mitchell Survey on the west.

I am the owner of 73-1/3 acres which I have always considered lay in the John Mitchell Survey and the east line of which was the west line of the Elizabeth Smith Survey, such 73-1/3 acres being the east 73-1/3 acres out of the John Mitchell Survey. I purchased this land in 1900 and fenced some of it immediately and the balance some twelve years ago, all of the 73 acres being under fence and being claimed by me as my property, and I have lived on this land since 1900. I am informed that under these conditions I am entitled to a preference right to purchase this property should it be discovered to be vacant land. I do not want to go to the expense of employing a lawyer or coming to Austin if I can avoid it and would appreciate it if you would advise me what steps I should take in this connection, and send me the forms of the land office applicable to filing under any preference right which I may have.

a

About the first of this year a question of a vacancy between the Smith Survey and the Mitchell Survey arose and this question was gone into by my lawyers with licensed state surveyors and it seemed clear that there was no vacancy between such surveys, and I do not understand your statement that the area appears to be subject to lease under the application of J.L. Webb. However, if it should be determined that there is a vacancy between such surveys, I have occupied as a part of the John Mitchell Survey any land that might lie between it and the Elizabeth Smith Survey and not included in either survey, having occupied same as a part of the John Mitchell Survey, and if there is a vacancy, I occupied such land by mistake thinking it was the John Mitchell Survey; and I am told by attorneys that I have a preference right to purchase this land for a period of six months after the discovery of the mistake and I wish to exercise such preference right if it is determined that there is a vacancy between such surveys.

Will you please inform me what steps I should take in this connection.

Yours very truly,

D. H. Kegler

Durham H. Kegler

About the first of this year a question of a vacancy between the Smith Survey and the Mitchell Survey arose and this question was gone into by my lawyers with licensed state surveyors and it seemed clear that there was no vacancy between such surveys, and I do not understand your statement that the area appears to be subject to lease under the application of J.L. Webb. However, if it should be determined that there is a vacancy between such surveys, I have occupied as a part of the John Mitchell Survey any land that might lie between it and the Elizabeth Smith Survey and not included in either survey, having occupied same as a part of the John Mitchell Survey, and if there is a vacancy, I occupied such land by mistake thinking it was the John Mitchell Survey; and I am told by attorneys that I have a preference right to purchase this land for a period of six months after the discovery of the mistake and I wish to exercise such preference right if it is determined that there is a vacancy between such surveys.

Will you please inform me what steps I should take in this connection.

Yours very truly,

Durham H. Yeager

a2

October 22, 1935

Mr. D. H. Kegler,
Huffsmith,
Texas.

Dear Sir:

Yours of the 19th inst. in regard to a survey made on the application of J. L. Webb to lease 45 acres of land in Harris County has been received.

Unquestionably the area is not a part of the John Mitchell survey. The record shows that the original field notes of the John Mitchell included it, but that the field notes were subsequently corrected to exclude it, and the patent was issued on the corrected field notes.

The next question to determine is whether the Webb survey is a part of the Elizabeth Smith. According to the position given that survey by the Land Office for years and years the Webb survey is not a part of the Smith survey. It appears that the surveys to the south and west of the Smith have been patented in accordance with the eastward and northward position of that survey, and that applications to lease on its nothern boundary have been rejected. Thus the position of the Land Office is that the area surveyed for Webb was unsurveyed school land and subject to sale or lease, as the case may be.

Frankly I am not sure that the Land Office is right in the location of the Smith survey, but in my letter to you I simply followed the construction given it by the Land Office in bygone years.

The purpose of my letter of the 15th inst. was to acquaint you with this situation. The area in question is either a part of the Smith survey or it is a vacancy subject to disposition by this office. It is not a part of the John Mitchell survey.

If your conclusion is that it is a vacancy, and you desire to buy it under preference right, that is to say under Section 5 of

b

Chapter 271, approved May 29,1931, and now Article 5421c, Vernon's Statutes, your procedure would be to make application to purchase direct to this office, enclosing field notes properly drawn, authenticated and recorded, and the money to pay for the land, with a filing fee of $1.00 for the field notes. The price of the land will be whatever price you paid for it. With the papers should come a copy of the deed under which you hold, and your affidavit as to the nature and extent of your occupancy, and other facts bearing upon your good faith, as enclosure and use of the land. It might be well for you to tender to the applicant for lease the expense of the survey, and then have his field notes adopted on your application to the surveyor. This is only a suggestion.

Blank applications for your use are enclosed. The application to purchase should be expanded to cover the facts, and is sent simply to indicate to you certain requirements on the part of law.

Action on the Webb application will be suspended to give you an opportunity to act, but you will kindly inform me as early as practicable whether you wish to treat the area as a vacancy and apply to purchase it.

When your papers are received, if you conclude to file them, the matter will have as prompt attention as it is possible to give it.

Down to this point I have been expressing my personal views based on my conception of what is right and the proper attitude of the State to take toward its citizens, but I think you should be made acquainted with the situation respecting such matters growing out of court procedure, and the opinions of some good lawyers.

In a case before the Court of Civil Appeals it was contended by the Assistant Attorney General that an applicant who had conveyed the minerals in his lands to a corporation was not in position to exercise preference right to purchase, for the reason he did not own all the land, and the corporation being prohibited from buying school land, was not in position to join him. The lower court sustained the Attorney General, and this point among others is now on appeal. Now if you have conveyed the minerals

b'

in your land to a corporation, and the higher court should sustain the lower court, you would not have a preference right to purchase. I am not able at this hour to cite the case, but it grew out of the suits involving one of the I&GN surveys in the same oil field in which your land is situated.

Very truly yours,

Commissioner

JHW-ewr
Application No. 28290

encs.

b2

b3

Dec 18 1933

1410

1946
552-4

MA28290

Houston, Texas,
October 28, 1935.

RECEIVED
OCT 31 1935
REFERRED TO COMR.

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

I wish to thank you for your letter of October 22, 1935, with regard to Application No. 28290, and note that you say that action on the Webb application will be suspended in order to give you an opportunity to act.

I will probably file an application with the County Surveyor of Harris County for a survey of this area to determine whether or not it is vacant land, in order that I may exercise my preference right if it should be found to be vacant land, but I intend to file my application for the purchase of this land conditional upon its being found to be vacant land, and without any prejudice to my claim or position that it is not vacant land.

It is my understanding that the John Mitchell Survey calls for adjoinder with the Elizabeth Smith Survey, that the field notes run West from a point on the Elizabeth Smith Survey; thence South and thence East and call for the South or Southwest corner of the Elizabeth Smith Survey and call to go Northwest along the line of the Elizabeth Smith Survey to the place of beginning. It is my understanding that the patent of the John Mitchell Survey calls to begin at the Southwest corner of the Elizabeth Smith Survey and from such point to go West; thence North, thence East to the line of the Elizabeth Smith Survey, and thence Southeasterly along such line to the place of beginning. Several attorneys have advised me that in view of the fact that there are no monuments or natural or artificial objects on the ground, called for in the field notes or patent, which would control over these calls for adjoinder that there could not possibly be a vacancy between these surveys.

In view of this information I wish you would reconsider this question and inform me whether or not, in view of the calls for adjoinder as above set out, there could be any possible chance of a vacancy in this area.

Yours very truly,

D H Kegler

11-8-35

Hufsmith, Texas.

Houston, Texas,
October 28, 1935.

RECEIVED
OCT 31 1935
REFERRED TO COMR.

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

I wish to thank you [illegible] of October 22, 1935, with regard to Application No. 28220, and note that you say that action on the Webb application will be suspended in order to give you an opportunity to act.

I will probably file an application with the County Surveyor of Harris County for a survey of this area to determine whether or not it is vacant land, in order that I may exercise my preference right if it should be found to be vacant land, but I intend to file my application for the purchase of this land conditional upon its being found to be vacant land, and without any prejudice to my claim or position that it is not vacant land.

It is my understanding that the John Mitchell Survey calls for adjoinder with the Elizabeth Smith Survey, that the field notes run West from a point on the Elizabeth Smith Survey; thence South and thence East and call for the South or Southwest corner of the Elizabeth Smith Survey and call to go Northwest along the line of the Elizabeth Smith Survey to the place of beginning. It is my understanding that the patent of the John Mitchell Survey calls to begin at the Southwest corner of the Elizabeth Smith Survey and from such point to go West; thence [illegible] and thence Northeasterly along such line to the place of beginning. Several attorneys have advised me that in view of the fact that there are no monuments or natural or artificial objects on the ground, called for in the field notes or patent, which would control over these calls for adjoinder that there could not possibly be a vacancy between these surveys.

In view of this information I wish you would reconsider this question and inform me whether or not, in view of the calls for adjoinder as above set out, there could be any possible chance of a vacancy in this area.

Yours very truly,

J. H. Reed

Hufsmith, Texas.

S.T. 13655

(11)

November 8, 1935

Mr. D. H. Kegler,
Hufsmith, Texas

Dear Sir:

Acknowledgment is made of your letter of October 28th referring to the General Land Office Mineral Application #28290 on a supposed vacancy in Harris county, lying between the Elizabeth Smith survey on the East and the John Mitchell on the West, this area having been filed on for mineral lease under the above number in this office by J L Webb of Austin, Texas.

The Commissioner is out of town at present, but will be vack the early part of next week, at which time your letter will receive his attention.

Very truly yours,

Acting Commissioner

Blucher:eb
MA 28290

November 13, 1935

Mr. D. H. Kegler,
Hufsmith,
Texas.

Dear Sir:

It appears that your letter of October 28th in regard to a joinder between the John Mitchell and the Elizabeth Smith surveys in Harris County has been held for my personal attention for the reason that I had given the matter consideration before being called out of the city.

The reason given by the attorneys with whom you have conferred "that there are no monuments or natural or artificial objects on the ground, called for in the field notes or patent, which would control over these calls for adjoinder that there could not possibly be a vacancy between these surveys," would probably be correct if the John Mitchell had not been cut back by corrected field notes. That the area involved and claimed as a vacancy was included in the original field notes of the John Mitchell is true, and as the survey was originally made there was a joinder between it and the Elizabeth Smith. The corrected field notes lopped off the area in question, and the owner of the Mitchell certificate received an unlocated balance certificate for the quantity cut off. I cannot escape the conclusion that if the Elizabeth Smith was corrected located the area surveyed for J.L.Webb belongs to the State. It was abandoned by the owner of the John Mitchell certificate.

If the area in question does not belong to the State it is a part of the Elizabeth Smith survey. The latter survey, however, has been in its present position too long for this Department to disturb it in the absence of a decree of court. By the expression "present position" I do not mean to question the Elizabeth Smith survey as not occupying its original position on the ground. It appears that the location of the Elizabeth Smith as now held has

10

been respected for about ninety years. You have so regarded its boundaries. In doing so the John Mitchell is extended eastward to include the very area taken from it by its corrected field notes and patent. If your position is correct the State would be giving to the John Mitchell certificate its full quantity plus 45.46 acres.

In view of the record the Land Office must hold that the area lopped off from the John Mitchell by its corrected field notes and patent belongs to the State and is subject to sale or lease as the law applied to the facts may prescribe. When the Act approved May 29, 1931, went into effect the assistant Attorney General handling land matters appears to think that conditional applications could be made effective, but later that Department through a succeeding assistant seems to have taken the other view that an application to purchase under preference right must be absolute. I do not know the attitude of the present Attorney General in respect to such applications. I mention this because of your statement that you intended to file a conditional application to purchase under preference right.

Very truly yours,

Commissioner

JHW-ewr
MA 28290

20'

13

S.T. 13655

D2

1472

Hufsmith, Texas,
November 19, 1935.

In Re: Your File M.A.28290.

Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

I received your letter of November 13. Prior to its receipt I filed an application with the County Surveyor of Harris County to have the alleged vacant area surveyed as vacant land in order that I may file on same under my preference right. In this connection, it seems that the alleged vacancy will include my improvements which have been erected on this land and which I have occupied for many years.

Mr. Boyles, the County Surveyor, is absent from the City, but is expected to return within a week or ten days, and as soon as he returns I will have him survey such area, prepare the field notes and file same in his office and file my application with you, together with such field notes, in order to exercise my preference right in this area.

Yours very truly,

D. H. Kegler

D. H. Kegler.

Hufsmith, Texas,
November 19, 1935.

In Re: Your File M.A.28290.

Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

I received your letter of November 13. Prior to its receipt I filed with the County Surveyor of Harris County to have the alleged vacant area surveyed as vacant land in order that I may file on same under my preference right. In this connection, it seems that the alleged vacancy will include my improvements which have been erected on this land and which I have occupied for many years.

Mr. Boyles, the County Surveyor, is absent from the City, but is expected to return within a week or ten days, and as soon as he returns I will have him survey such area, prepare the field notes and file same in his office and file my application with you, together with such field notes, in order to exercise my preference right in this area.

Yours very truly,

D. H. Kegler.

1M-6-34

OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
HARRIS COUNTY
TEXAS

GENERAL ENGINEERING
SURVEYING
ROAD WORK
DRAINAGE
DRAFTING
CONSTRUCTING

PHONES:
OFFICE, PRESTON 1861
RESIDENCE, HADLEY 8820

NOBLE E. WICKLUND
DEPUTY

acc/ad filing f/n
3.00 pat. fee

HOUSTON, TEXAS

January 16th, 1936

Hon. J. H. Walker, Comm'r.,
General Land Office
Austin, Texas

Dear Sir:

In compliance with your letter under date of October 22nd, 1935 I have had the area in question surveyed and am forwarding you herewith:

Certified copy of deed from N. Pillott to Alcide Duclos, showing that this land was purchased, 220 Ac. for $600.00.

Certified copy of deed from Alcide Duclos etal to Viola Keglar which is a deed of gift.

Original application filed with the County Surveyor of Harris County, Texas, Nov. 13, 1935.

Field notes for 42.66 Ac. made for Viola and D. H. Keglar, dated January 14th, 1936.

Blue print No. 4132-R-A showing survey of this and adjoining lands.

Application and obligation to purchase school land without settlement.

My check for $1.00 to cover recording fees for field notes, application and other papers in connection therewith above listed.

My check for $5.00 to cover patent fee on the said 42.66 Ac.

My check for $118.17 being in full for 42.66 Ac. at $2.77 per acre, this being the purchase price of the land. To-wit 220 Ac. for $600.00 which equals this $2.77 an acre.

Mr. Boyles is not certain as to the amount of the patent fee and in the event it should be less than $5.00, please send the refund, if any, to me at Huffsmith, Harris Co., Texas. Please have the County Clerk return the recorded patent to J. S. Boyles, Court House, Houston, Texas.

G

Report 26
Sh-1

Refund Warrant #2643 for $1.00
Mailed 4/4/36

acc 1.00 filing a/n
" 118.17 purchase money
3.00 patent fee
Total acc 122.17
Ref 1.00
123.17

Check 118.17 5.00 + 1.00 Rec Fees

RECEIVED-GENERAL LAND OFFICE
AMT. REC'D $ ..... REG. No. 10156
AMT. TO SUSPENSE $ 10157
ENTERED BY .....
JAN 17 1936

FUND No.	CLASS No.	AMOUNT	ITEM No.
S			102
			103
			R 114

G

I am desirous of obtaining this patent as soon as possible and will appreciate your early attention to the issuance of the same.

Respectfully yours,

D. H. Keglar

D. H. Keglar
Huffsmith, Harris Co., Texas

JSB:mc
9 Encl.

G2

I am desirous of obtaining this patent as soon as possible and will appreciate your early attention to the issuance of the same.

Respectfully yours,

D. H. Kegler
Hufsmith, Harris Co., Texas

JSH:mc
9 Encl.

January 23, 1936

Viola & D. H. Kegler,
Hufsmith, Texas

Dear Sir and Madam:

Your application for a survey, field notes, application to purchase, and two certified copies of transfers, which were received in this office January 17th have been filed in your names under SF 13655, to which you should refer when writing this department in regard to them.

In examining these papers, we do not find that you enclosed the affidavit requested in our letter to you of October 22, 1935; nor do we find any information among the papers as to whether or not you have conveyed any of the minerals in the survey which you own, and of which you believed the area applied for to have been a part, to anyone elsee. Upon receipt of this information, we shall consider the matter further.

Very truly yours,

Commissioner

Harwood:eb
SF 13655

1736

Houston, Texas,
February 11, 1936

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

In Re: Your File No. SF 13655

With reference to your letter of January 23, 1935, I hand you herewith affidavit signed by Mrs. Viola Kegler and myself with regard to the nature and extent of our occupancy of the alleged vacant area, and our good faith in connection with such use and occupancy, as suggested in your letter of October 22, 1935, which affidavit we failed to furnish you with the other papers received by your office on January 17 in this connection.

I believe that these are all the papers necessary for us to file in this connection, and if there is anything else I will appreciate your advising me as soon as possible, and I will furnish them to you.

Very truly yours,

D. H. Kegler

D. H. Kegler,
Hufsmith, Texas.

Enclosures

See letter of 2/24/36 LCH

SF 136555 (17)

Houston, Texas,
February 11, 1936

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

In Re: Your File No. SF 136555

With reference to your letter of January 23, 1935, I hand you herewith affidavit signed by Mrs. Viola Kegler and myself with regard to the nature and extent of our occupancy of the alleged vacant area, and our good faith in connection with such use and occupancy, as suggested in your letter of October 22, 1935, which affidavit we failed to furnish you with the other papers received by your office on January 17 in this connection.

I believe that these are all the papers necessary for us to file in this connection, and if there is anything else I will appreciate your advising me as soon as possible, and I will furnish them to you.

Very truly yours,

D. H. Kegler

D. H. Kegler,
Hufsmith, Texas.

Enclosures

See letter 2/24/36 Lch

5

1962/99

1960/550

Houston, Texas,
February ____, 1936.

Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

With reference to your letter of February 24 referring to filing on vacancy, your number S.F. 13655, wish to state that I was under the impression that the statement contained in the affidavit, which I had filed, to the effect:

> "That no person, firm or corporation is interested in said land or the purchase thereof, either directly or indirectly, other than this affiant and her husband, D. H. Kegler, and no other person, firm or corporation has any title to, or interest in, said land."

satisfied the requirements referred to in your letter of February 24. However, as this does not seem to be sufficient, I hand you herewith affidavit which will be sufficiently definite and full to cover this question.

Please advise me if there is anything else you wish in this connection.

Very truly yours,

D. H. Kegler

D. H. Kegler.

Hufsmith, Texas.

RECEIVED
MAR 3 1936
REFERRED TO SCHOOL

SF 13655

(28)

Houston, Texas,
February ____, 1936.

Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Dear Sir:

With reference to your letter of February 24 referring to filing on vacancy, your number S.F. 13655, wish to state that I was under the impression that the statement contained in the affidavit, which I had filed, to the effect:

"That no person, firm or corporation is interested in said land or the purchase thereof, either directly or indirectly, other than this affiant and her husband, D. H. Kegler, and no other person, firm or corporation has any title to, or interest in, said land."

satisfied the requirements referred to in your letter of February 24. However, as this does not seem to be sufficient, I hand you herewith affidavit which will be sufficiently definite and full to cover this question.

Please advise me if there is anything else you wish in this connection.

Very truly yours,

D. H. Kegler.

Hutsmith, Texas.

General Land Office

State of Texas

Austin

J. H. WALKER, COMMISSIONER
[redacted], CHIEF CLERK
J. W. HAWKINS

March 10, 1936

Mr. John E. Shelton,
Travis County Court House,
Austin, Texas

Dear Sir:

This is to inform you that from an examination of our records in regard to a 42.66 acre survey in Harris county, on which your client, Mr J L Webb, has a mineral file, it appears that a preference right to purchase this area under section 5 rests in Viola and D H Kegler.

I am writing Mr Kegler today in regard to the issuance of an award.

Very truly yours,

Commissioner

Harwood:eb
SF 13655

S313655

March 12, 1936

Mr. D. H. Kegler,
Hufsmith, Texas

Dear Sir:

This is to acknowledge your letter received March 3rd in which you enclosed an affidavit signed by you and your wife, Viola Kegler, stating that the 73.5 acres out of the John Mitchell survey in Harris county, which you acquired and which includes 42.66 acres of land belonging to the public school fund, is not subject to any oil, gas or mineral lease of any kind or character, and that you have sold none of the oil, gas or other minerals under said land, but are the sole owners of said land and all rights therein; that you have not agreed to give any person, firm or corporation an oil, gas or mineral lease on said land or any part thereof; nor have you agreed to convey any interest in said land or the minerals thereunder to any person, firm or corporation, and you are not obligated in any way so to do.

It would therefore, appear from your affidavit and the record as it now stands, that you are in a position to exercise your preference right to purchase the land covered by your application.

Your application to purchase, however, sets out that the sale to you shall be upon the express condition of a reservation of 1/8 of the sulphur and 1/16 of all other minerals as a free royalty to the State. Since our application to purchase blanks were prepared, the Attorney General has advised this office that under the provisions of the Act, all minerals are reserved to the State, and that the purchaser acquires only the right of agency provided for under the provisions of the Relinquishment Act of 1919. The question is now before the Courts.

Should an award be issued at this time the department will have to issue it with wording to this effect: "I do hereby award said applicant the survey of land described above with a reservation of the minerals to the State, as prescribed by law". The same will be true of the patent.

F

Will you kindly inform us whether or not it is your wish that patent and award be issued at this time, or whether you desire that action be suspended, pending the decision of the Courts in the matter? It may be that you would prefer that only the award issue at this time, and that the matter of executing patent be suspended.

Very truly yours,

Commissioner

Harwood:eb
SF 13655-
MA 28290
cc: Mr John E Shelton,
County Court House,
City

SE 13655

1963
480

37

Houston, Texas,
March 18, 1936.

In Re: S. F. 13655,
M. A. 28290.

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

I wish to acknowledge receipt of your letter of March 12, 1936, and note what you say with regard to issuance of patent reserving all the minerals, and that the question as to what is the proper reservation for the State of Texas to make in connection with the minerals under the land in issuing the patent to me, is now before the courts. I, therefore, feel that it would be advisable for me to ask that you suspend the execution and issuance of a patent on this property until the question of the mineral reservation is finally determined by the courts, provided that such suspension will in no way prejudice my rights under my application.

I would, therefore, prefer, if my rights will not be prejudiced thereby, to have you issue the award at this time and suspend the issuance of the patent until the pending decision of the courts in this matter.

Thanking you for calling this to my attention, I am

Very truly yours,

D. H. Kegler

D. H. Kegler,
Hufsmith, Texas.

SF 13655 (21)

Houston, Texas,
March 18, 1936.

In Re: S. F. 13655,
M. A. 22290.

Hon. J. H. Walker,
Commissioner of the General Land Office,
Austin, Texas.

Dear Sir:

I wish to acknowledge receipt of your letter of March 18, 1936, and note what you say with regard to issuance of patent reserving all the minerals, and that the question as to what is the proper reservation for the State of Texas to make in connection with the minerals under the land in issuing the patent to me, is now before the courts. I, therefore, feel that it would be advisable for me to ask that you suspend the execution and issuance of a patent on this property until the question of the mineral reservation is finally determined by the courts, provided that such suspension will in no way prejudice my rights under my application.

I would, therefore, prefer, if my rights will not be prejudiced thereby, to have you issue the award at this time and suspend the issuance of the patent until the pending decision of the courts in this matter.

Thanking you for calling this to my attention, I am

Very truly yours,

D. H. Kegler,
Hutchinson, Texas.

March 24, 1936

Mr. D. H. Kegler,
Hufsmith, Texas

Dear Sir;

This is to acknowledge your letter of March 18th in which you state that it is your desire that should the department approve your preference right to purchase, that we issue the award covering SF 13655, 42.66 acres in Harris county, and suspend action with the view to issuing patent until the mineral status of sales made under Chapter 271 has been passed on by the Supreme court, or until you instruct us to the contrary.

Let me add that the attorney for the applicant for a mineral lease, namely: J L Webb, MA 28290, has requested that we allow him time within which to place in the record further evidence on behalf of his client.

Very truly yours,

Commissioner

Harwood:eb
SF 13655
MA 28290

SY 13655 (22)

MA 28250

1958
304

5-2

Houston, Texas,
March 27, 1936.

In Re: Your Nos. SF 13655
MA 28290

Hon. J. H. Walker,
Commissioner General Land Office,
Austin, Texas.

Attention Miss Harwood.

Dear Sir:

I have received your letter of March 24 and your letter of March 25 directed to Mrs. Kegler and myself, enclosing original Award and Receipt dated March 25, 1936. The letter of March 25 and Original Award and Receipt were handed to me by a Dr. Morris and a Mr. Shelton who stated that they represented Mr. J. L. Webb, and wanted me to lease this land for oil, gas and other minerals to Mr. Webb.

I have not leased this land, as stated in my affidavit filed in your office, and I am under no obligation or agreement to lease the land to anyone, and I do not know whether I have any authority at this time, and before the issuance of a patent, to lease this land to anyone and I did not understand why the letter of March 25 and the Original Award and Receipt were delivered to me by these gentlemen representing Mr. Webb, instead of being sent through the mail.

As I understand the present status of this tract, the Award of this property has been finally and definitely made to me and my wife, Mrs. Viola Kegler and it is my understanding that as far as Mr. Webb's application is concerned he has no further rights thereunder, and that patent will be issued by your office to me and my wife at any time, and that the matter of issuing a patent is only being held up at my request awaiting the decision of the mineral status of sales under Chapter 271. Your letter of March 25 enclosing the Original Award and Receipt states:

> "The matter of issuing the Award will be held up for the time being, etc."

It seems to me that you mean that the matter of issuing the patent will be held up.

#2 -

Will you please inform me whether or not I am right in the above conclusions and whether or not this land has now been definitely awarded to me and my wife, and if Mr. Webb's application has been definitely refused, and will you please inform me whether or not I now have authority to lease this land to Mr. Webb, or anyone else, should I so desire, subject to the State's rights in the minerals whatever they may be determined to be by the Courts?

Yours very truly,

D. H. Kegler

D. H. Kegler.

Hufsmith, Texas.

Will you please inform me whether or not I am right in the above conclusions and whether or not this land has now been definitely awarded to me and my wife, and if Mr. Webb's application has been definitely refused, and will you please inform me whether or not I now have authority to lease this land to Mr. Webb, or anyone else, should I so desire, subject to the State's rights in the minerals whatever they may be determined to be by the Courts?

Yours very truly,

D. H. Kegler.

Hufsmith, Texas.

SF - 136555 (23)

March 30, 1936

Mr. D. H. Kegler,
Hufsmith, Texas

Dear Sir:

You are correct in the statement contained in your letter of March 27, 1936 that this department, basing its action on the record here and the withdrawal by the agent and attorney of the lease applicant, Mr J L Webb, of any further protest to the sale, has awarded the 42.66 acre tract of land in Harris county, SF 13655, to you and we have denied the mineral application of J L Webb, insofar as it conflicts with the area covered by your application, and that it was the issuance of the patent that was being held up.

Under the present statutes, and in accordance with their provisions, you are now authorized to act as agent for the State in leasing the area for the development of oil and gas.

The reason that the award was handed to you by Mr Shelton, instead of going to you thru the regular course of the mail, was that it was reported that it would reach you earlier than by mail and that such delivery would be agreeable with you.

Very truly yours,

Acting Commissioner

Harwood:eb
SF 13655

S-J 13655 (24)

March 30, 1936

Mr. R. L. Parker,
Burnett, Texas

Dear Sir:

You are correct in the statement contained in your letter of March 27, 1936 that this department, basing its action on the record here and the withdrawal by the agent and attorney of the lease applicant, Mr J L Webb, of any further protest to the main, has awarded the 42.66 acre tract of land in Harris county, SF 13655, to you and we have denied the mineral application of J L Webb, inasmuch as it conflicts with the area covered by your application, and that it was the issuance of the patent that was being held up.

Under the present statutes, and in accordance with their provisions, you are now authorized to act as agent for the state in leasing the area for the development of oil and gas.

The reason that the award was handed to you by Mr Shelton, instead of going to you thru the regular course of the mail, was that it was reported that it would reach you earlier than by mail and that such delivery would be agreeable with you.

Very truly yours,

Acting Commissioner

Harwood:eb
SF 13655

SF 13655

C.N. PILLOTT SURV.

ELIZABETH SMITH SURV.

W. USENER SURV.

JOHN MITCHELL SURV.

T.A. DUCLOS SURV.

JOHN LENZE SURV.

WM. PERKINS SURV.

C.W. HAHL SURV.

R.T. BLACKBURN SURV.

G.C. & S.F. R.R. NO. 2

MAP

SHOWING SURVEYS OF A SECTION OF HARRIS COUNTY AROUND THE TOMBALL OIL FIELD. SCALE 200 VARAS TO 1 INCH. SURVEYED 1933. OFFICE J.S. BOYLES C.E. HOUSTON TEXAS. NOTES FIELD BOOKS T-3 & S-3.

MAP No. 4132 ROLL-A

SF 13655 (25)

R.