

Invalidated by Proctor v. Markham 271 SW2d 685
See letter of May 3, 1956 within

File S.F. 15374

Glasscock and Reagan County

SCHOOL LAND

Norman J. Dierschke
(Good Faith Claimant)
San Angelo, Texas

38¹³ Acres

Section No.

Tr. 12

VOID

Block Tsp. Cert.

Act of June 19, 1939

See M.A. 43004

CORRECT ON MAP FOR 38¹³ ACRES
7/18/52 VES

approved by the Commission and
classified M.S. Feb. 18, 1951 in
M.A. 43004; and appraised at
\$10.00 per acre for sale or lease
by the School Land Board, Feb.
21, 1952

Bacon Piles, Com^{rs}

Obligation

Vol. 143

Page 282

B-138-1050-4m

Claims & Accounts Com^r

2-27

CONTENTS

- No. 1—Application 5/8/52-ow
- No. 2—Transfer - 5/8/52-ow
- No. 3—Transfer - 5/8/52-ow
- No. 4—Affidavit - 5/8/52-ow
- No. 5—Affidavit - 5/8/52-ow
- No. 6—Affidavit - 5/8/52-ow
- No. 7—Title Opinion - 5/8/52-ow
- No. 8—Cores - Sedberry & Williams - 5/8/52
- No. 9—Cores - Sedberry & Williams - 5/8/52-ow
- No. 10—Copy of Ltr to Harry Beards - 5/8/52-ow
- No. 11—Ltr from Sedberry & Williams - 5/13/52-ow
- No. 12—Field Notes fr. MA. 43004
S.F. 15192 7/18/52 VES
- 13 Spay JUL 22 1952 K
- 14—Dup. Award Receipt 7-22-52
- 15. Ltr. to applicant - 5-3-56 pt
- 16. Affidavit - 2-27-57-S.K.

claim for 381.30 approved by
55th Legislature S.B. 115, H.B. 238

PAID IN FULL FOR 38¹³ ACRES
DATE JUL 22 1952

APPLICATION TO PURCHASE

(Good Faith Claimant)

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

1. I hereby apply to purchase under a preference right without condition of settlement the tract of unsurveyed school land hereinafter described, under the provisions of an Act approved June 19, 1939, and other laws relating to the sale of unsurveyed school land.

partly in Glasscock County and

2. The said tract of land is situated ~~in~~ partly in Reagan County, Texas, about 20 $\frac{1}{2}$ miles

34091

South 45 deg. West from Garden City, the county seat, and is described as follows, to-wit:

Said land being described in the Notice of Approval of the Hon. Bascom Giles, as Commissioner of the General Land Office of the State of Texas, dated February 21, 1952, of the James C. Wilson, Jr., M. A. 43004 and S. F. 15192; and being the following tract described in said Notice of Approval, to-wit:

Tract No. 12 being 38.13 acres situated in Glasscock and Reagan Counties about 20 $\frac{1}{2}$ miles S 45 deg. W from Garden City, the county seat of Glasscock County, and described by metes and bounds as follows:

"Beginning at the N. W. corner of Survey No. 19, Block 36, Tsp. 5 South, T. & P. R. R. Co., and the S. E. corner of Survey No. 13, Block 37, Tsp. 5 South, T. & P. R. R. Co., for the N. E. corner of this Survey;

Thence with the West line of said Survey No. 19, S 14 deg. 57' 30" E 1906.6 varas to an old stone mound for its original S. W. corner;

Thence S 14 deg. 43' E 75.0 varas to a point in the North line of Survey No. 30, Block 36, Tsp. 5 South, T. & P. R. R. Co., as Patented, for the S. E. corner of this Survey;

Thence with the North line of said Survey No. 30, as Patented, S 75 deg. 18' W 107.5 varas to an old stone mound for its N. W. corner and the S. E. corner of Survey No. 24, Block 37, Tsp. 5 South, T. & P. R. R. Co., as corrected, for the S. W. corner of this Survey;

Thence with the East line of said Survey No. 24, as corrected, N 15 deg. 00' 30" W at 1909.8 varas pass a set stone for its N. E. corner, in all 1981.0 varas to a point in the South line of Survey No. 13, Block 37, Tsp. 5 South, T. & P. R. R. Co., for the N. W. cor- of this Survey;

Thence with the South line of said Survey No. 13, N 75 deg. 02' 30" E 109.5 varas to the place of beginning."

3. I am a good faith claimant under the terms of said Act, as is fully shown by the attached instruments marked Exhibits 1, 2, 3, 4, 5, and 6.

4. Remarks:*

The Exhibits mentioned above are:

1. Certified copy of the deed from W. E. Williams II et al to B. L. Bryans, dated November 16, 1939, filed for record December 19, 1939, and recorded in Deed Record 49, page 75, Glasscock County, Texas.
2. Certified copy of deed from B. L. Bryans et ux to Norman Dierschke et ux, Cora Dierschke, dated December 6, 1943, filed for record December 9, 1943, and recorded in Deed Record 53, page 193, Glasscock County, Texas.
3. Affidavit of W. A. Bigby, subscribed and sworn to before J. L. Merritt, Notary Public of Terrell County, Texas, April 8, 1952.
4. Affidavit of B. L. Bryans, subscribed and sworn to before Mary Byman, Notary Public of Wichita County, Texas, April 25, 1952.
5. Affidavit of Norman J. Dierschke, subscribed and sworn to before Mariette Nelson, Notary Public of Tom Green County, Texas, the 2nd day of May, 1952.
6. Title opinion of M. E. Sedberry, Attorney, dated the 29th day of December, 1943.

Said Survey 19 was patented to T. & P. Ry. Co., its successors and assigns by Patent No. 96, Vol. 113, dated July 10, 1906, and recorded in Vol. 1, page 19, Patent Records of Glasscock County, Texas, for 640 acres, being 1900 varas square.

This application is filed by this applicant as a good faith claimant under the provisions of Section 6 of Article 5421-c, Revised Civil Statutes of Texas, as amended by the Acts of 1939, after your claimant has received written notice of approval by the Land Commissioner of the State of Texas of M. A. 43004 and S. F. 15192 of James C. Wilson, Jr.; such Notice of Approval dated February 21, 1952, and addressed to applicant as a notice to file any claim he may have as good faith claimant to said Tract 12, above described; and in this connection, under the provisions of the statutes above mentioned, said Tract 12 has been heretofore surveyed by Byron L. Simpson, State Land Surveyor, by order of the Honorable Bascom Giles, Land Commissioner of this State, and the aforesaid metes and bounds description thereof is given by the said Surveyor in his Surveyor's Report filed in the General Land Office of Texas under said M. A. 43004 and S. F. 15192; and it is, therefore, not necessary nor required by law that your good faith claimant file any field notes with this application.

Your good faith claimant further says that he has paid or tendered to T. M. Markham, assignee of said M. A. 43004 and S. F. 15192 under the said James C. Wilson, Jr., the sum of \$226.40; being the proportionate part of the sum of \$3,323.61 expended by the said Applicant under said Article 5421-c through the Commissioner of the General Land Office in connection with the said application apportionable to the 38.13 acres contained in said Tract 12; said sum of \$226.40 being 38.13/559.84ths of said sum of \$3,323.61.

Your Good faith claimant now encloses the sum of \$381.30 to pay the State of Texas for said Tract 12 at the rate of \$10.00 per acre; being the value of said Tract as fixed by the Commissioner and the School Land Board under the provisions of law.

(11)

CERTIFICATE

I, A. J. Mullins, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the 21 day of Feb., A. D. 19 52, the price at which the area of land described in the above application No. 15374, shall be sold, was fixed by the School Land Board at \$10.00 Dollars per acre, all of which is shown in Vol. 8, Page , of the Minutes of said Board.

Given under my hand this the 21 day of February, A. D. 19 52, at Austin, Texas.

A. J. Mullins
Secretary of the School Land Board

S4083

RECEIVED AS STATED
5/8/52
Pg # 34824
MARGREE STEINER, Receiver
GENERAL LAND OFFICE
ow

GENERAL LAND OFFICE
Austin, Texas

S. F. No. 15374

APPLICATION TO PURCHASE
UNSURVEYED SCHOOL LAND
(Good Faith Claimant)

of

Norman J. Bierschke
San Angelo, Texas.

WITHOUT SETTLEMENT

28.13 acres
in Garrett County, Texas.

Filed May 8, 19 52
Basson Giles
Commissioner
ow

Approved Feb. 21, 19 52
Rejected
Basson Giles
Commissioner

APPLICATION TO PURCHASE

x.e. 3

RECEIVED

MAY 3 1952

GENERAL LAND OFFICE

34091

(FILE # 3996) ()
STATE OF TEXAS (KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TARRANT.

That we, W.E. WILLIAMS, II EDMOND P. WILLIAMS, acting herein by and through his attorney-in-Factt, Tom Q Williams, and TOM Q. WILLIAMS, individually and as Independent Executor of the will and Estate of W. Erskine Williams, Deceased, all of Tarrant County, Texas, for and in consideration of the sum of TWENTY+TWO HUNDRED FORTY AND NO/100 DOLLARS (\$2,240) cash to us in hand paid by B.L. Bryans, of Jones County, Texas, the receipt of which is hereby acknowledged, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said B.L. BRYANS all that certain tract or parcel of land as follows:

All of Section No 19, Block No, 36, Township 5 South, T.& P. Ry. Co. Survey, located and situated partly in Glasscock County and partly in Reagan County, Texas; save and except all oil, gas and other minerals in and under and that may be produced from said land, together with the right of ingress and egress for the purpose of exploring, developing, mining, producing and marketing said oil, gas and other minerals from said premises, including the right of grantors, their heirs and assigns to have said lands investigated for the possible development of oil or gas or any other minerals by geological surveys, geophysical surveys or any other mode of investigation deemed by them advisable to be made upon said land, and further including the right to use so much of the surface of said land and water thereunder or thereon, except water from the wells or tanks of grantee, his heirs or assigns, necessary for the purposes of exploring, developing, producing and marketing oil, gas and other minerals herein reserved to grantors, their heirs and assigns.

It is understood and agreed that this conveyance conveys all water upon and under the above described tract of land to grantee, his heirs and assigns, but grantors, their heirs and assigns, shall be allowed to use water therefrom as herein above set out.

(This conveyance is made subject to an outstanding grazing lease in favor of W.A. Bigby, and the grantors herein transfer and assign all future rental payments under said lease to grantee his heirs or assigns.)

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said B.L.BRYANS, his heirs and assigns, forever; and we do hereby bind ourselves, our heirs, executors, administrators and successors to warrant and forever defend all and singular the said premises unto the said B. L. BRYANS, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands at Fort Worth. Texas. this the 16 day of November, 1939.

W.E. Williams II

EDMUND P. WILLIAMS,

By Tom Q. Williams
Attorney-in Fact

Tom Q. Williams
Individually and as Independent Executor

of the will and Estate of W. Erskine Williams,
Deceased.

STATE OF TEXAS, 0
 0
COUNTY OF TARRANT. 0

Before me, the undersigned authority in and for said County and State, on this day personally appeared W.E. Williams, II, known to me to be the person whose name is subscribed to the foregoing instrument

y'

going 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 the 18th day of November. 1939.

(SEAL)

J.E. Holt

(\$2.50 U.S. Documentary stamp Notary Public, Tarrant County Texas.

(\$2.50 U.S. Documentary stamps attached and cancelled on original instrument.)

STATE OF TEXAS,

COUNTY OF TARRANT.

Before me, the undersigned authority in and for said County and State, on this day personally appeared Tom Q. Williams, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Attorney-in Fact for Edmund P. Williams, and individually and as Independent Executor of the will and Estate of W. Erskine Williams, Deceased, for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 16 day of November, 1939.

(SEAL)

H.M. Craig

Notary Public, Tarrant County, Texas.

Filed for record December 19th, 1939 at 3 o'clock P.M.

Recorded December 20th, 1939, at 9:30 o'clock A.M.

J.B. Calverley

County Clerk, Glasscock County, Texas

THE STATE OF TEXAS)
 (
COUNTY OF GLASSCOCK)

I, Vena Lawson, County Clerk of Glasscock County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Deed dated Nov. 16, 1939, executed by W. E. Williams, et al to B. L. Bryans, as the same appears of record in the Deed Records of Glasscock County, Texas, in Volume 49, page 75.

Given under my hand and seal of office, this the 29th day of April, 1952.

Vena Lawson

COUNTY CLERK, GLASSCOCK COUNTY,

T E X A S.

4

12

File No. S. F. 15374

Glasscock & Peagen County

Transfer

Filed May 8, 1952

BASCOM GILES, Com'r

Ora May Warren
File, Clerk

LEXINGTON
COMMISSIONER OF RECORDS

Year of 1952, 1953.

Page 12.

In the Deed Records of Glasscock County, Texas, of and to B. T. Wilson, as the grantor, and the said abovesaid record collector, of Deed dated Nov. 12, 1939, executed by M. E. [illegible] that the same and [illegible]

I, Lena Tamson, County Clerk of Glasscock County, Texas,

COMMISSIONER OF RECORDS
THE STATE OF TEXAS

RECEIVED

MAY 3 1952

GENERAL LAND OFFICE

34091

(FILE # 6286)

THE STATE OF TEXAS
COUNTY OF GLASSCOCK

)
(KNOW ALL MEN BY THESE PRESENTS:

That We, B.L. Bryans and wife, Anna Bryans of the County of Wichita, State of Texas for and in consideration of the sum of TEN THOUSAND (\$10,000.00) DOLLARS, to us in hand paid by Norman Dierschke and wife, Cora Dierschke have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Norman Dierschke and wife, Cora Dierschke, of the County of Tom Green County, State of Texas all that certain tract or parcel of land situated partly in Glasscock County and partly in Reagan County, State of Texas, to-wit:

All of Survey Number Nineteen (19), in Block Number Thirty-Six (36), Township Five South (5 S.), Certificate Number 2815, T.&P. Ry.Co. Survey, and containing 640 acres, more or less; save and except the oil, gas and other minerals in under and that may be produced from said land which the grantors herein do not own but which have been heretofore excepted out of the conveyance of said land under which grantors herein acquired their title.

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 Norman Dierschke and wife, Cora Dierschke, their heirs and assigns forever;

and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said Norman Dierschke and wife, Cora Dierschke, their heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Witness our hands at Wichita Falls, Texas this 6th day of December, A.D. 1943.

Witnesses at Request of Grantor: _____ B.L. Bryans

(\$11.00 U.S. Documentary Stamps attached and Anna Bryans
and cancelled on original instrument.)

THE STATE OF TEXAS, ()
COUNTY OF Wichita () BEFORE ME, a Notary Public, in and for
Wichita County, Texas, on this day personally appeared B. L.
Bryans and Anna Bryans, his wife, both known to me to be the
persons whose names are subscribed to the foregoing instrument,
and acknowledged to me that they each executed the same for the
purposes and consideration therein expressed, and the said Anna
Bryans wife of the said B.L. Bryans having been examined by me
privily and apart from her husband, and having the same fully
explained to her, she, the said Anna Bryans acknowledged such
instrument to be her act and deed, and she 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 15th day of
December, A.D. 1943. Mary Byman

(SEAL) Notary Public, Wichita County, Texas.

Filed for record Dec. 29, 1943 at 2 o'clock P.M.

Recorded Dec. 29, 1943 at 5 o'clock P. M.,

Vena Lawson

County Clerk, Glasscock County, Texas
- - - -

THE STATE OF TEXAS,)
()
COUNTY OF GLASSCOCK)

I, Vena Lawson, County Clerk of Glasscock County, Texas,
do hereby certify that the above and foregoing is a true and
correct copy of Deed dated Dec. 6, 1943, executed by B. L. Bryans
et ux to Norman Dierschke, et ux, as the same appears of record
in the Deed Records of Glasscock County, Texas, in Volume 53,
page 193.

Given under my hand and seal of office, this the 29th day
of April, 1952.

Vena Lawson
COUNTY CLERK, GLASSCOCK COUNTY,
T E X A S.

EXHIBIT #3

AFFIDAVIT OF W. A. BIGBY

RECEIVED

MAY 3 1952

GENERAL LAND OFFICE

34091

The State of Texas,

County of Terrell

W.A. Bigby, being first duly sworn, upon his

oath deposes and says:

That he is the same W.A. Bigby who deeded Survey 30, Block 36, Township 5 South, situated in Reagan County, Texas, to Elo G. Wilde and wife by deed dated August 7, 1943; that at that time affiant owned said survey 30, Survey 29 and Survey 20, all in said Block 36, Tsp. 5 S. T & P Ry Co. lands situated in Reagan and Glasscock Counties Texas, and had owned them since they were deeded to affiant by Kenzie Routh May 23, 1938, and by other parties about that time, as shown by the deed records.

Affiant further says that his father, J.O. Bigby, now deceased had for many years owned the lands lying North of said Survey 20, and that shortly after he took up said land a fence was built along his south line, which was the North line of said Survey 20, and along the South line of Survey 18, which was the North line of the Williams Survey 19, in said Block and Township; and said fence remained there as a barbed wire fence until it was replaced by affiant with a net fence a short time after affiant acquired said surveys 20, 29 and 30 ~~from Kenzie Routh~~ as above stated. Affiant further says that a barbed wire fence had been along the East line of his sections 20 and 29, Block 36, Tsp. 5 South for many years before he acquired said surveys ~~from Kenzie Routh~~ as above stated, and along the S. line of his said surveys 29 and thirty; and that a barbed wire fence had been standing along the west line of affiant's said survey 30 and along the west side of the Williams Survey 19, Block 36, Tsp. 5 S. a great many years before affiant acquired his said lands ~~from Kenzie Routh~~ in 1938; and that after affiant acquired the said Kenzie Routh et al. three sections, affiant leased from the Williams estate said Survey 19, in said Block and township, for a period of five years; affiant thinks he got this lease in 1938, before the Williams Estate sold survey 19 to B.L. Bryans; and at the time affiant got the lease from the Williams Estate, he rebuilt the old fences above referred to by replacing the barbed wire fence along said fence lines with net wire, and this was done by the year 1940. And so far as affiant now knows said fences are still on the ground where affiant built them as above stated. Affiant further says that the old barbed wire fence along the west side of his said section 30, and the Williams Section 19, above mentioned, must have been there about or near fifty years, and that it extended in a straight line along the west side of both said sections 30 and 19; and when he put up the net wire fence, he put it up on the same fence line and so far as he knows it is still there. Affiant claimed the land in section thirty above mentioned to said west fence line; and when Kellis surveyed said section 30 for the patent he located the corners at or near said old fence line; and affiant believed said fence to be about on the west line of said surveys 30 and 19 above mentioned.

Affiant further says that from the time he acquired said surveys 20, 29 and 30, until he sold said surveys in 1943 as shown by the deed records, affiant ranched on said surveys and the Williams section 19, and on the sale to Elo. Wilde et al by affiant he delivered said lands to them; and since then affiant does not know who has had possession thereof.

W.A. Bigby
W.A. Bigby, Affiant.

The State of Texas,
County of Terrell

Before me the undersigned authority this day personally appeared W.A. Bigby, known to me to be the person whose name is subscribed to the foregoing instrument, and being by me duly sworn upon his oath stated that the statements of fact in the foregoing affidavit are true; and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8th day of April, 1952.

J. L. Merritt
Notary Public in and for
Terrell County, Texas.



RECEIVED

MAY 3 1952

GENERAL LAND OFFICE

34091

AFFIDAVIT OF B. L. BRYANS

THE STATE OF TEXAS |
 |
COUNTY OF WICHITA |

B. L. Bryans, being first duly sworn, upon his oath deposes and says:

That he resides in Wichita County, Texas; that he is the same person who, together with his wife, Anna Bryans, conveyed to Norman Dierschke and wife, Cora Dierschke, the surface of Survey 19, in Block 36, Township 5-South, Certificate no. 2815, T. & P. Ry. Co. Survey, situated partly in Glasscock and partly in Reagan Counties, Texas; said deed being dated on or about the 6th day of December, 1943; and Affiant is advised that said deed is now of record in Deed Record 53, at page 193, of the Deed Records of Glasscock County, Texas.

Affiant says that he purchased the surface of said Survey 19 from W. E. Williams, II, Edmund P. Williams, and the Estate of W. Erskine Williams, deceased, by deed dated about the 16th day of November, 1939; and Affiant is advised that said deed is now recorded in Vol. 49, page 75, of the Deed Records of Glasscock County, Texas.

At the time Affiant purchased said tract of land, the same was under an agricultural or grazing lease to W. A. Bigby; the said W. A. Bigby having acquired a lease from the aforesaid grantors of Affiant; and said Bigby lease had several years to run at the time Affiant purchased said land; and the said W. A. Bigby became the tenant of Affiant upon Affiant's purchase of said land, and remained in actual possession of said land as Affiant's tenant until Affiant sold said land to the Dierschkes as hereinabove related.

Affiant further says that while he, Affiant, owned the title to said land, it was completely enclosed by fences together with three other sections of land, which the said W. A. Bigby had purchased and of which he was the owner and in possession; and that the said W. A. Bigby was using said three sections owned by him and the leased section owned by Affiant as a ranch for grazing livestock and, possibly, for growing some feed crops thereon; and during said

period that Affiant owned said Survey 19 there was no one else in possession of the land or using or occupying the same except Affiant's tenant, W. A. Bigby.

Affiant says that at the time he purchased said Survey 19 from the Williamses, as above stated, there was a fence along the West side of said Survey 19; same being an old fence which, to Affiant's own personal knowledge, had been there for many years before the year 1939; said fence being a barbed wire fence; and said fence had been recognized by the land owners in the community as being on the line between said Section 19 and the Surveys of land lying West of Survey 19 for a great many years prior to 1939; and at the time Affiant sold said Survey 19 to the Dierschkes, as above stated, he told the Dierschkes that it was his understanding that said fence had been recognized as the West Boundary Line of said Survey 19 for a great many years at the time Affiant bought the land; and so far as Affiant knew, it was the West line of said Survey; and Affiant believed and treated it as the West line of said Survey 19.

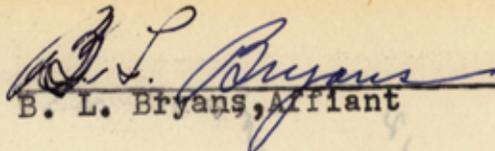
Affiant is advised that W. A. Bigby put a net wire fence on the West side of his Survey 30, which joins Survey 19 on the South; and on the West side of Survey 19, where the old barbed wire fence had stood for many years, as aforesaid; and that said net wire fence also extended around on the North side of said Survey 19, and along the North side of Survey 20, and on the East side of Surveys 20 and 29, and on the South side of Surveys 29 and 30; said Surveys 20, 29, and 30 being owned then by the said W. A. Bigby and in his possession; and that the fences enclosing said four surveys were sufficient to turn livestock and were kept up from the time Affiant purchased said Survey 19 until he sold the same to the Dierschkes.

Affiant further says that all of the time from the time he acquired said Survey 19 until he sold the same to the Dierschkes, as above stated, he in good faith believed that said fence on the West side of said Survey 19 was on the West Boundary of said Survey 19, and delivered possession to the Dierschkes with that belief and

that understanding between him and the Dierschkes.

Affiant now says that he has no interest in said Survey 19, and is making this affidavit at the request of Norman J. Dierschke and wife, Cora Dierschke.

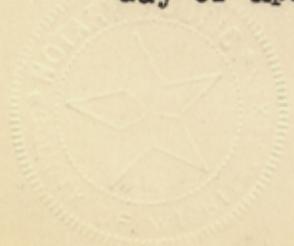
Further Deponent saith not.

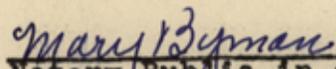

B. L. Bryans, Affiant

THE STATE OF TEXAS |
 |
COUNTY OF WICHITA |

BEFORE ME, the undersigned authority, on this day personally appeared B. L. Bryans, known to me to be the person whose name is subscribed to the foregoing affidavit and to be a credible person, and being by me duly sworn, upon his oath deposes and says that the statements of fact in said affidavit are true, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 25th
day of April, A. D. 1952.




Notary Public in and for
Wichita County, Texas.
(Mary Byman)

E^m

that understanding between him and the Dietschkes.

Alliant now says that he has no interest in said survey
19, and is making this affidavit at the request of Norman J. Dietschke
and wife, Cora Dietschke.

Further Deposition with not.

5

File No. S. F. 15374

Glasscock & Reagan County

Affidavit

Filed May 8, 1952

BASCOM GILES, Com'r

Cora May Warren
File Clerk

THE STATE OF TEXAS
COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared B. L. Bryan, known to me to be the person whose name is subscribed to the foregoing affidavit and to be a credible and being by me duly sworn, upon his oath deposes and says that the statements of fact in said affidavit are true, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 22th

day of April, A. D. 1952.

Notary Public in and for
Wichita County, Texas.
(Mary Egan)



EXHIBIT #5

AFFIDAVIT OF NORMAN J. DIERSCHKE

RECEIVED

MAY 3 1952

GENERAL LAND OFFICE

THE STATE OF TEXAS
COUNTY OF TOM GREEN

3409

Norman J. Dierschke, being first duly sworn, upon his oath deposes and says:

That Affiant and his wife, Cora Dierschke, are residents of Tom Green County, Texas; and they are the same persons to whom B. L. Bryans and wife, Anna Bryans, conveyed the surface of Survey 19, Block 36, Township 5-South, Certificate No. 2815, T. & P. Ry. Co. Survey, situated partly in Glasscock County and partly in Reagan County, Texas, by deed dated the 6th day of December, 1943, and recorded in Deed Record 53, at page 193, in the office of the County Clerk of Glasscock County, Texas; reference to which is here made for all purposes.

In this connection, Affiant further says that he is advised by his attorneys examining his title to said Survey 19, that said Survey 19 was deeded by Chas. J. Canda, Simeon J. Drake, and Sigmund Neustadt, assignees of the Texas & Pacific Railway Co., to W. E. Williams and E. P. Williams, of Ballinger, Texas, by deed dated September 7, 1906, and now of record in Vol. 5, page 178, Deed Records of Glasscock County, Texas; and that thereafter the heirs and beneficiaries of the estates of the said W. E. Williams and E. P. Williams deeded the surface of said Survey 19 to B. L. Bryans by deed dated November 16, 1939, and recorded in Vol. 49, page 75, Deed Records of Glasscock County, Texas; grantors in said deed reserving all the minerals in said Survey 19, and conveying the surface subject to W. A. Bigby's grazing lease thereon.

Affiant further says that said land was conveyed to Affiant and his wife, as aforesaid, as community property; and that they are the present owners of the surface, and have been continuously since the delivery of the aforesaid deed to them. At the time said Survey 19 was deeded to Affiant and his wife, the

same was enclosed by substantial fences, sufficient to turn livestock, together with three other surveys in said block and township, to-wit: Surveys 20, 29, and 30; that said fences consisted of net and barbed wire; and the West fence line on said Survey 19 was in the same location on the ground at the time said deed was delivered that it is now, and its location was and is as shown on the map of Byron L. Simpson, State Surveyor, with his Report of Survey as directed by the Land Commissioner of Texas in response to James C. Wilson, Jr.'s, M. A. 43004 and S. F. 15192, as the same were filed in the General Land Office by said Applicant; and in this connection, the Report of Survey of the said Byron L. Simpson shows said fence line to be along the West line of Tract No. 12, described by field notes in the written report to the Land Commissioner of Texas pursuant to said order of survey on the said James C. Wilson, Jr., applications; said Tract 12 being a 38.13-acre tract which has heretofore been determined by the Land Commissioner of the State of Texas to be a vacant tract of School Land.

Affiant further says that said three surveys, 20, 29, and 30, were deeded by W. A. Bigby and wife as follows: Section 20, to Fenton A. Wilde and wife; Section 29, to Mrs. Stella Schwartz, as her separate property; and Section 30, to Elo G. Wilde and wife, by deeds dated on or about August 7, 1943; and in this connection, Affiant's wife, Cora Dierschke, is a sister of the said Fenton A. Wilde, Elo G. Wilde, and Mrs. Stella Schwartz; and said Grantees still own said Surveys 20, 29, and 30, and have, together with Affiant, used and occupied through tenants their adjoining surveys under one common enclosure continuously since they acquired title thereto as above stated; each of said owners claiming title to his and her respective survey of land; and there has been no one in possession of or using or occupying said lands or any part thereof other than the above named owners thereof and their tenants since the title was acquired by them as aforesaid.

Said Survey 19, including said Tract 12, has been used by Affiant and his wife, Cora Dierschke, and their tenants for grazing and agricultural purposes only; and they have never at any time undertaken to explore said land for oil, gas or other minerals during said period. Said possession of Affiant and his wife has been at all times exclusive, peaceable, and adverse to the claims of all other persons.

Affiant further says that at the time he and his wife acquired title to the surface of said Survey 19, it was their information, understanding, and belief that the West fence above described was on the West line of said Survey 19; and said fence was and had been for twenty years recognized in the community as the West boundary of said Survey 19; and that Affiant and his wife have never at any time known or been advised that Tract 12, as described in the said Byron L. Simpson survey, was vacant school land, until after the aforesaid M. A. 43004 and S. F. 15192 were filed by the said James C. Wilson, Jr., sometime in the year 1951; and Affiant says that Affiant and his said wife in good faith claimed said Tract 12 as a part of said Survey 19 at all times from the time that said Survey 19 was deeded to them as aforesaid; and that they based their claim upon the good faith belief and representations that said West fence had been there for twenty years; and their predecessors in title, to-wit, B. L. Bryans and wife, Anna Bryans, claimed and believed that the said West fence was at or on the West line of said Survey 19 from and prior to December, 1939, until said land was so sold and deeded to Affiant and wife in 1943, as above stated; and, therefore, Affiant says that he and his said wife, Cora Dierschke, and their predecessors in title have claimed that the said Tract 12, as described in said Byron L. Simpson's surveyor's report, has been a part of said Survey 19 for more than ten years prior to the filing of said James C. Wilson, Jr., applications; and that the same has been used for agricultural purposes only during said ten-year period; and that no operations for exploration or

development of oil, gas or other minerals had ever been carried on on said Tract 12 or on said Survey 19 until after the filing of the said James C. Wilson, Jr., applications S. F. 15192 and M. A. 43004.

This affidavit is filed by Affiant along with his application to purchase said Tract 12 as a good faith claimant; said Tract 12 being described by metes and bounds in said application; if said Tract 12 is in fact vacant, unsold school land.

Norman J. Dierschke
Norman J. Dierschke, Affiant

THE STATE OF TEXAS
COUNTY OF TOM GREEN

BEFORE ME, the undersigned authority, this day personally appeared Norman J. Dierschke, known to me to be the person whose name is subscribed to the foregoing affidavit, and known to me to be a credible person, and being by me duly sworn, upon his oath stated that the statements of fact in the foregoing affidavit are true, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand and seal of office this the 2nd day of May, A. D. 1952.

Mariette Nelson

Mariette Nelson
Notary Public, Tom Green County,
Texas.

LAW OFFICES
SEDBERRY & WILLIAMS
405-7 RUST BLDG.
SAN ANGELO, TEXAS

M. E. SEDBERRY
H. O. WILLIAMS

May 7, 1952

Hon. Bascom Giles, Commissioner
of the General Land Office
Austin, Texas

Re: James C. Wilson, Jr., M. A. 43004 and S. F. 15192 -
Norman J. Dierschke's Good Faith Claimant Application
on Tract 12.

Dear Sir:

In compliance with request contained in your letter of the 5th
inst., we herewith enclose Postal Money Order payable to you
in the amount of \$1.00, for filing fee in connection with the
above application.

Very truly yours,

SEDBERRY & WILLIAMS

By

H. O. Williams
H. O. Williams

HOW:mn
Enc. - money order

34824

100

RECEIVED

MAY 8 1952

GENERAL LAND OFFICE

6

May 8, 1952

Sedberry & Williams
Attorneys at Law
405-7 Rust Building
San Angelo, Texas

Attention: Hon. H. O. Williams

Gentlemen:

Your letter of May 7, 1952, enclosing \$1.00 to cover the filing fee for the filing of the Good Faith Claimant application to purchase, Glasscock and Reagan Counties, of Mr. Norman J. Dierschke, has been received.

Please be advised that the above mentioned application was filed of record in the General Land Office as of May 8, 1952, and assigned File No. S. F. 15374.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

MR:ow
File: S. F. 15374

cc: Mr. Norman J. Dierschke
Route 3, Box 350
San Angelo, Texas

68

File No. S. 7-15374

Glasscock & Reagan County

Lones-Sedberry & Williams

Filed May 8, 1952

BASCOM GILES, Com'r

Ira May Warren
File Clerk

20

LAW OFFICES
SEDBERRY & WILLIAMS
405-7 RUST BLDG.

SAN ANGELO, TEXAS

M. E. SEDBERRY
H. O. WILLIAMS

May 2, 1952

Hon. Bascom Giles
Commissioner, General Land Office
Austin, Texas

Re: James C. Wilson, Jr., M.A. 43004 and S.F. 15192 -
Norman J. Dierschke's Good Faith Claimant Application
on Tract 12.

Dear Sir:

We are enclosing herewith the application of Norman J. Dierschke as a good faith claimant for the purchase of Tract No. 12, 38.13 acres, heretofore held by you to be vacant unsold school land, surveyed under the applications mentioned in the caption. Your decision that Tract 12 was a vacant tract was made on February 18, 1952; and notice of that determination was sent out under date of February 21, 1952; which would give Mr. Dierschke until the 18th of May, 1952, to file his said application.

Accompanying Norman J. Dierschke's application to purchase, and enclosed herewith, are the exhibits mentioned in said application, together with a check for the sum of \$381.30 payable to your order, to cover the purchase price of the land; said check being Austin Exchange.

If there are any filing fees or further fees required to be deposited at this time by Mr. Dierschke, kindly advise us and we will be glad to forward the same.

We are today, likewise, sending to Mr. Henry Brooks, 1401 Capital National Bank Building, Austin, Texas, Attorney for T. M. Markham, assignee of James C. Wilson, Jr., of the above applications, Austin Exchange in the sum of \$226.40 to pay the proportionate part of the total expenses shown by your record to have been expended through your office in connection with the survey, etc., under said applications of James C. Wilson, Jr.; said sum being the proportionate part that 38.13 acres bears to the whole number of acres, to-wit, 559.84, included in and reported upon in the survey by Byron L. Simpson; which we understand is the proper amount to be paid by this good faith claimant, on the 38.13-acre tract, to the first applicant.

We were advised by you in your letter dated March 7, 1952, addressed to Sedberry & Williams, Attorneys, and signed by Dennis Wallace, Chief Clerk, and Acting Commissioner, that the total amount expended in connection with the establishment of the vacancy under said applications is \$3,323.61. Accordingly, the check which we are sending to Mr. Markham, in the said sum of \$226.40, represents and constitutes the amount of expenses incurred in determining the existence of the vacancy known as Tract 12 (as provided for in Section 6, Sub-section (c), of Article 5421c); said sum of \$226.40 being 38.13/559.84 of the above total amount of money expended.

D-222
RECEIVED

MAY 3 1952
GENERAL LAND OFFICE

34091

As soon as Mr. Brooks acknowledges receipt of this remittance to him, we will file the receipt therefor in your office.

Please file the above application and exhibits, and notify us of any action you may take.

Very truly yours,

SEDBERRY & WILLIAMS

By M. E. Sedberry
M. E. Sedberry

MES:mn

Enc. - application &
6 exhibits
- check (Austin Exchange)

cc: Mr. Henry Brooks, Attorney
1401 Capital National Bank Building
Austin, Texas

May 5, 1952

Sedberry & Williams
Attorneys at Law
405-7 Rust Building
San Angelo, Texas

Attention: Hon. M. E. Sedberry

Gentlemen:

Your letter of May 2, 1952, enclosing the Good Faith Claimant application to purchase alleged unsurveyed land in Glasscock and Reagan Counties of Norman J. Dierschke, together with supporting instruments and check in the amount of \$381.30, has been received.

Before this application may be filed of record in the General Land Office, it will be necessary that \$1.00 filing fee be remitted.

Sincerely yours,

BASCOM GILES, COMMISSIONER
OF THE GENERAL LAND OFFICE

MR:ow

69

File No. S.F. 15374

Glascock Keegan County

Cones Sedberg & Willhens

Filed May 8, 1952

BASCOM GILES, Com'r

Chas Mayhew
File Clerk

LAW OFFICES
SEDBERRY & WILLIAMS

405-7 RUST BLDG.

SAN ANGELO, TEXAS

May 2, 1952

M. E. SEDBERRY
H. O. WILLIAMS

Mr. Henry Brooks, Attorney
1401 Capital National Bank Building
Austin, Texas

Re: James C. Wilson, Jr., M.A. 43004 and S.F. 15192 -
Norman J. Dierschke's Good Faith Claimant Application
on Tract 12.

Dear Sir:

Enclosed is a copy of our letter of transmittal to the Honorable Bascom Giles of the application of Norman J. Dierschke as Good Faith Claimant to purchase Tract 12 reported by the surveyor under the above applications; and also enclosed is a copy of his said application, together with a copy of the exhibits attached thereto, for your file and information.

Also enclosed herewith is Austin Exchange payable to your order, as Attorney for T. M. Markham, assignee of the said James C. Wilson, Jr., of said applications, for the sum of \$226.40, being 38.13/559.84 of the total amount of expenses incurred in the establishment of the vacancy under said applications; which we think is the proper amount to be refunded by Mr. Dierschke, as such good faith claimant, to Mr. Markham, as such assignee.

Kindly acknowledge receipt of this remittance for your client Mr. Markham, and make your acknowledgement in duplicate, so that we can file one of them with the Commissioner of the General Land Office and keep the other one in our files.

Since this remittance is in the form of Austin Exchange, kindly advise us if you have any objection to accepting that in lieu of cash, and we will substitute cash in the same amount for the Exchange.

Thanking you very kindly for your courtesies in connection with this matter, we are

Very truly yours,

M. E. Sedberry

MES:mn

- Enc. - cc letter
- cc application &
6 exhibits
- check (Austin Exchange)

cc: Hon. Bascom Giles, Commissioner
General Land Office
Austin, Texas

34091

SEDERRY & WILLIAMS
LAW OFFICES

408-7 RUST BLDG.
SAN ANGELO, TEXAS

May 2, 1932

M. E. SEDERRY
H. O. WILLIAMS

Mr. Henry Brooks, Attorney
1401 Capital National Bank Building
Austin, Texas

Re: James C. Wilson, Jr., M.A. 43004 and S.F. 15192 -
Norman J. Dietschke's Good Faith Claimant Application
on Tract 12.

Dear Sir:

Enclosed is a copy of our letter of transmittal to the Honorable
Bascom Giles of the application of Norman J. Dietschke as Good
Faith Claimant to purchase Tract 12 reported by the surveyor under
the above applications; and also enclosed is a copy of his said
application, together with a copy of the exhibits attached thereto,
for your file and information.

Also enclosed herewith is Austin Exchange payable to your order,
as attorney T. M. Markham, assignee of the said James C. Wilson,
for the sum of \$226.40, being 38.13/52.84
of the total amount of expenses incurred in the establishment of the
said applications; which we think is the proper amount
to be refunded by Mr. Dietschke, as such good faith claimant, to Mr.
Markham, as assignee.

Kindly acknowledge receipt of this remittance for your client Mr.
Markham, and make your acknowledgement in duplicate, so that we can
file one of them with the Commissioner of the General Land Office
and keep the other one in our files.

Since this remittance is in the form of Austin Exchange, kindly ad-
vise us if you have any objection to accepting that in lieu of cash,
and we will substitute cash in the same amount for the Exchange.

Thanking you very kindly for your courtesies in connection with
this matter, we are

Very truly yours,

M. E. Sederry

MES:mn
Enc. - cc letter
- cc application &
exhibits
- check (Austin Exchange)
cc: Hon. Bascom Giles, Commissioner
General Land Office
Austin, Texas

34091

file No. 8.7.15.374

Bascom Giles
copy of the Henry Brooks
May 15 1932

Pro May lower
Bascom Giles, Com
File 15

110

LAW OFFICES
SEDBERRY & WILLIAMS
405-7 RUST BLDG.

SAN ANGELO, TEXAS

M. E. SEDBERRY
H. O. WILLIAMS

May 12, 1952

Hon. Bascom Giles, Commissioner
of the General Land Office
Austin, Texas

Re: S. F. 15374 - Norman J. Dierschke Good Faith Claimant Application

Dear Sir:

Herewith enclosed is letter from Henry H. Brooks, Attorney for T. M. Markham (successor in interest to James C. Wilson, Jr., M. A. 43004 and S. F. 15192), acknowledging tender by Norman J. Dierschke of the sum of \$226.40; which sum constitutes the proportionate part of the expenses allocable to Tract 12 under James C. Wilson, Jr., M. A. 43004 and S. F. 15192. In other words, said amount of \$226.40 constitutes the total amount of expenses incurred in the establishment of the vacancy known as Tract 12.

In this connection, reference is made to our letter to you dated May 2, 1952, re: James C. Wilson, Jr., M. A. 43004 and S. F. 15192 - Norman J. Dierschke's Good Faith Claimant Application on Tract 12.

Very truly yours,

M. E. Sedberry
M. E. Sedberry

MES:mn
Enc. - letter

cc: Mr. Henry H. Brooks, Attorney
1401 Capital National Bank Building
Austin, Texas

RECEIVED
MAY 13 1952
REFERRED TO LAW

HENRY H. BROOKS

ATTORNEY AT LAW

1401 CAPITAL NATIONAL BANK BUILDING

AUSTIN, TEXAS

May 10, 1952

Judge M. E. Sedberry
Sedberry & Williams
405 Rust Building
San Angelo, Texas

Re: James C. Wilson, Jr., MA 43004
and SF 15192, Tract 12, as desig-
nated by the Land Commissioner

Dear Judge Sedberry:

This will acknowledge receipt of your letter of May 2, 1952, together with its various enclosures, including check No. 46616 of the San Angelo National Bank in the amount of \$226.40, payable to my order as attorney for T. M. Markham, and tendered by your client, Norman J. Dierschke, as reimbursement of expense. I raise no question as to this tender being made by check instead of in cash.

My clients do not by this letter accept the payment tendered, nor do they admit at this time that Mr. Dierschke has met the statutory requirements necessary to qualify as a good faith claimant as to Tract 12.

Yours truly,

Henry H. Brooks

HHB:mwy

RECEIVED

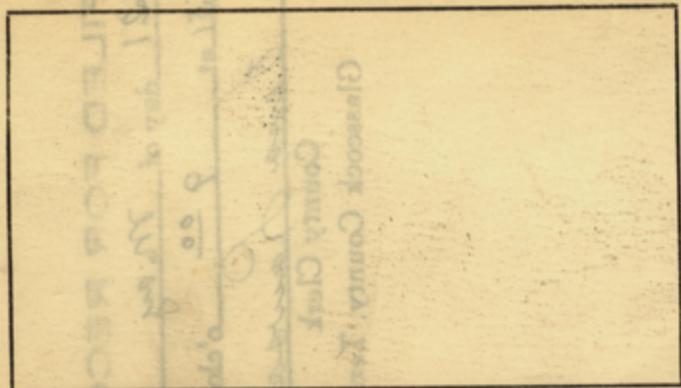
MAY 13 1952

REFERRED TO LAW

#12

PLAT

D-44



THE STATE OF TEXAS

Glasscock & Reagan COUNTY

Survey No. 12
~~M.A. 43004~~
S.F. 15192

FIELD NOTES of a survey of

38.13 acres of land made for

James C. Wilson, Jr.

Glasscock

County, on the 23rd

by virtue of his application filed with the Surveyor of

day of January, 19 51, under the laws regulating the sale and lease of unsurveyed school

land. Said land is situated in Glasscock & Reagan County, about 20 1/2 miles S 45° W

from Garden City, the county seat, of Glasscock County, and is described by metes and bounds as follows,

to-wit:

Beginning at the N.W. corner of Survey No. 19, Block 36, Tsp. 5 South, T. & P.R.R.Co. and the S.E. corner of Survey No. 13, Block 37, Tsp. 5 South, T. & P.R.R.Co., for the N.E. corner of this Survey.

Thence with the West line of said Survey No. 19, S 14° 57' 30" E 1906.6 varas to an old stone mound for its original S.W. corner.

Thence S 14° 43' E 75.0 varas to a point in the North line of Survey No. 30, Block 36, Tsp. 5 South, T. & P.R.R.Co., as Patented, for the S.E. corner of this Survey.

Thence with the North line of said Survey No. 30, as Patented, S 75° 18' W 107.5 varas to an old stone mound for its N.W. corner and the S.E. corner of Survey No. 24, Block 37, Tsp. 5 South, T. & P.R.R.Co., as corrected, for the S.W. corner of this Survey.

Thence with the East line of said Survey No. 24, as corrected, N 15° 00' 30" W at 1909.8 varas pass a set stone for its N.E. corner, in all 1981.0 varas to a point in the South line of Survey No. 13, Block 37, Tsp. 5 South, T. & P.R.R.Co., for the N.W. corner of this Survey.

Thence with the South line of said Survey No. 13, N 75° 02' 30" E 109.5 varas

to the place of beginning.

Variation 11° 45' East

Chain Carriers Dudley Tabor

Bearings marked as indicated

Lou Dusek

Surveyed March 26 to May 3, 19 51

By Byron L. Simpson (Signature of Surveyor)

I, Byron L. Simpson, Licensed State Land Surveyor of Tom Green County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book _____, Page _____, of the County Surveyor's Records of _____ County, Texas.

This 12th day of May, 19 51.

RECEIVED

Byron L. Simpson (Signature)

Licensed State Land Surveyor of Tom Green County, Texas.

REFERRED TO LAW

IMPORTANT NOTICE

The written report of the survey which is required to accompany the above field notes must show whether the above described tract of land is situated within five (5) miles (state exact distance) of a well producing oil, gas, or other minerals in paying quantities.

THE STATE OF TEXAS

County of Reagan

I, H. L. Puckett, Clerk of the County Court in and for said County, do hereby

certify that the foregoing Filed Note dated the 12 day of May, A. D. 1951, together with its certificates of authentication, was filed for record in my office the 21 day of May, A. D. 1951, at 4:15 o'clock P. M., and duly recorded on the 22 day of May, A. D. 1951, in Filed Note records of Reagan County, in volume 3 on page 256.

WITNESS MY HAND AND OFFICIAL SEAL, at my office in Big Lake, Texas, the day and year last above written.

H. L. Puckett,
Clerk County Court, Reagan County, Texas

By Louis Halland Deputy

(L. S.)

THE STATE OF TEXAS
COUNTY OF GLASSCOCK

} I, MRS. VENA LAWSON, Clerk of the County Court in and for said

County, do hereby certify that the foregoing instrument dated the 12 day of May
1951 with its certificates of authentication, was filed for Record in my office, the 21 day of
May 1951 at 9 o'clock AM., and duly Recorded the 21 day
of May 1951 at o'clock M. in Field Note Record of
said County, in Vol. B on Pages 137

There being no County Surveyor.

WITNESS my hand and the seal of County Court of said County, at office in Garden City, Texas the day
and year last above written.

Vena Lawson Clerk

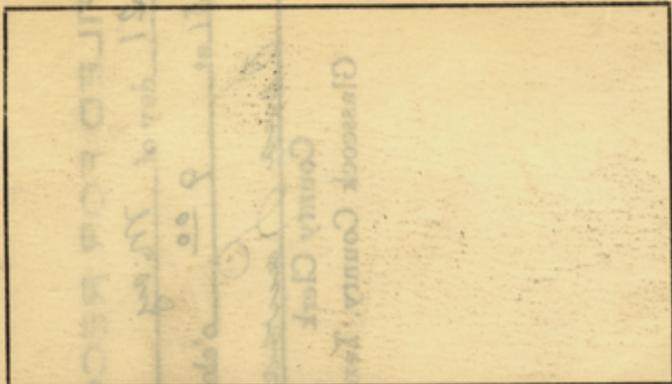
By _____ Deputy

County Court, Glasscock County, Texas

#12

PLAT

D-44



THE STATE OF TEXAS

Glasscock & Reagan

COUNTY

Survey No. 12
~~M.A. 43004~~
S.F. 15192

FIELD NOTES of a survey of

38.13 acres of land made for

James C. Wilson, Jr.

Glasscock

& Reagan County, on the 23rd

day of January, 1951, under the laws regulating the sale and lease of unsurveyed school

land. Said land is situated in Glasscock & Reagan County, about 20 1/2 miles S 45° W

from Garden City, the county seat, and is described by metes and bounds as follows,

to-wit:

Beginning at the N.W. corner of Survey No. 19, Block 36, Tsp. 5 South, T. & P.R.R.Co. and the S.E. corner of Survey No. 13, Block 37, Tsp. 5 South, T. & P.R.R.Co., for the N.E. corner of this Survey.

Thence with the West line of said Survey No. 19, S 14°57'30" E 1906.6 varas to an old stone mound for its original S.W. corner.

Thence S 14°43' E 75.0 varas to a point in the North line of Survey No. 30, Block 36, Tsp. 5 South, T. & P.R.R.Co., as Patented, for the S.E. corner of this Survey.

Thence with the North line of said Survey No. 30, as Patented, S 75°18' W 107.5 varas to an old stone mound for its N.W. corner and the S.E. corner of Survey No. 24, Block 37, Tsp. 5 South, T. & P.R.R.Co., as corrected, for the S.W. corner of this Survey.

Thence with the East line of said Survey No. 24, as corrected, N 15°00'30" W at 1909.8 varas pass a set stone for its N.E. corner, in all 1981.0 varas to a point in the South line of Survey No. 13, Block 37, Tsp. 5 South, T. & P.R.R.Co., for the N.W. corner of this Survey.

Thence with the South line of said Survey No. 13, N 75°02'30" E 109.5 varas

to the place of beginning.

Variation 11°45' East

Chain Carriers Dudley Tabor

Bearings marked as indicated

Lou Dusek

Surveyed March 26 to May 3, 1951

By Byron L. Simpson (Signature of Surveyor)

I, Byron L. Simpson, Licensed State Land Surveyor of Tom Green County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book _____, Page _____, of the County Surveyor's Records of _____ County, Texas.

This 12th day of May, 1951

RECEIVED

MAY 25 1951 Licensed State Land Surveyor of Tom Green County, Texas

REFERRED TO LAW

IMPORTANT NOTICE

The written report of the survey which is required to accompany the above field notes must show whether the above described tract of land is situated within five (5) miles (state exact distance) of a well producing oil, gas, or other minerals in paying quantities.

File # 4500

#12 SURVEY No 12 (59)

FILED FOR RECORD

21 day of May A.D. 1951 at 9:00 o'clock A.M.

Lena Lawson County Clerk Glasscock County, Texas

GENERAL LAND OFFICE Austin, Texas

S.F. 15374 No. M.A. 43004 S.F. 15192

FIELD NOTES (Applicant)

Filed May 25 1951

Bascom Giles Commissioner

Approved Rejected 19

Commissioner

CORRECT ON MAP FOR 38 1/3 ACRES

FILED 15-52 7/18/52 VES

I, Byron L. Simpson, Licensed State Land

Surveyor of Tom Green County, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) Sandy loam

Timber none

Value \$10.00 per acre (including timber)

Byron L. Simpson Licensed State Land Surveyor

RECEIVED AS STATED

Date 6-1-51 Reg. No. Inv-F.F. No 355

GENERAL LAND OFFICE

File for record this the 21st day of May A.D. 1951 at 4:15 o'clock P.M. H. H. Smith COUNTY CLERK, REAGAN COUNTY, TEXAS

RECEIVED

This 13th day of May 1951

1951



RECEIVED TO LAW

IMPORTANT NOTICE

MAY 23 1951

THE STATE OF TEXAS REAGAN COUNTY

FIELD NOTES of a survey of

38.13 acres of land made for

James O. Wilson, Jr.

County on the 30th

of Reagan County, Texas

under the laws relating to the sale and lease of unimproved property

of Reagan County, Texas

as described by meter and bounds as follows:

Block 38, Tab. 2 South

45

100 00



BASCOM GILES, Commissioner.
ALVIS VANDYGRIF, Chief Clerk.

DUPLICATE RECEIPT

LEDGER 143

(To be Kept by Land Office)

PAGE 252

FILE No. SF 15374

Post Office San Angelo, Texas, 19 52

To THE COMMISSIONER General Land Office, Austin, Texas.

I enclose check for \$ 381.30,
(Say whether Money Order or Draft on a Bank in Austin, or Cash.)

of which $\left\{ \begin{array}{l} \$ \text{-----} \text{ are for principal} \\ \$ \text{ } 381.30 \text{ are for interest} \\ \$ \text{-----} \text{ are for fees} \end{array} \right\}$ payment on the following land purchased from the State, to-wit:

Section	Block	Township	Certificate	SURVEY	Acres	County
			Good Faith Claimant		38.13	Glasscock Reagan

Norman Dierschke

(Name of Sender.)

Received remittance as stated above. 5 - 3 - 1952

(Address)

Commissioner General Land Office.



BARCOM GILES, Commissioner.
ALVAIS VANDYGRIFT, Chief Clerk.

DUPLICATE RECEIPT

(To be Kept by Land Office)

INDEXED 143
PAGE 558

File No. SF 15374 Post Office San Angelo, Texas, 1952

To THE COMMISSIONER General Land Office, Austin, Texas.

I enclose check for \$ 381.30
(Pay whether Money Order or Draft on a Bank in Austin, or Cash.)

\$	are for principal	
\$	are for interest	381.30
\$	are for fees	

of which payment on the following land purchased from the State, to-wit:

Section	Block	Township	Certificate	SURVAY	Acres
				Good Faith Claimant	38.13

Norman Dierschke
(Name of Sender.)
Received remittance as stated above.
E. J. 1952

(Address) Commissioner General Land Office

SF 15-374

May 3, 1956

Mr. Norman J. Dierschke
Route 3, Box 180
San Angelo, Texas

Dear Sir:

The matter about which the State Auditor wrote to you on July 28, 1955 has been brought to my attention.

Relative to S. F. 15374, 38.13 acres in Glasscock and Reagan Counties, I find from the records of the General Land Office that you applied as a Good Faith Claimant for a portion of a larger vacancy, approved and determined to exist under the application of J. C. Wilson, M. A. 43004. Some portions of the Wilson vacancy became the subject of litigation wherein various persons sought to have the Court set aside the Land Commissioner's vacancy determination. Other portions of the Wilson vacancy still stand unchallenged. The 38.13 acres for which you applied under S. F. 15374 was the immediate subject of the suit styled Proctor v. Markham, 271 SW2d 685, and according to the report of that case you were a defendant along with the State, contending that the vacancy did exist and that the Commissioner's determination was proper. The Court of Civil Appeals overruled the trial courts determination and set aside the Wilson vacancy insofar as it covered the 38.13 acres for which you applied. It held that said tract was a part of Survey 24, Block 37, Township 5 South, T & P Ry. Co. Survey, in Reagan and Glasscock Counties.

Since the Court decision takes the matter out of our hands, we cannot now award the land to you as a vacancy. To procure a refund of the purchase money paid in by you on July 22, 1952 you must now proceed under the provisions of Article 5411a, Vernon's Annotated Civil Statutes and make application to the Claims and Accounts Committee of the House of Representatives here in Austin. This is necessary for the reason that your \$381.30 remittance has already been deposited in the treasury as full payment for the 38.13 acres and we have no means available to us under the law to make a direct refund out of the General Land Office.

Page 2 - Norman J. Dierschke
May 3, 1956

Relative to your Good Faith Claimant application, S. F. 15401 in Reagan County, the records of the General Land Office show that it was voided on September 26, 1952 for failure to complete within the time allowed by law. Notice of this action was mailed to you on September 26, 1952 and a copy to your attorneys, Sedberry and Williams. The substance of said letter is as follows:

"Your Good Faith Claimant application to purchase alleged unsurveyed land in Reagan County, numbered S.F. 15401, was filed in the General Land Office on May 23, 1952.

The 120-day period provided by statute for completion of this application has expired and, therefore, it has become void for failure to complete within time allowed by law. The file wrapper containing the papers relative thereto has been endorsed as follows: 'Void for failure to complete within time allowed by law. 9-26-52. Bascom Giles, Com'r'."

If we can be of further assistance to you at any time, please feel free to call upon us.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Bob McPherson
Legal Department

BMcP:pt
cc: Sedberry and Williams
405-7 Rust Building
San Angelo, Texas

(15)

File No. S. G. 15374
Blascock & Requa Counties
Ltr. to Applicant
Filed May 3 19 56
J. EARL RUDDER, Com'r.
Pat Thompson File Clerk

LAW OFFICES
SEDBERRY & WILLIAMS
405-7 RUST BLDG.
SAN ANGELO, TEXAS
February 22, 1957

M. E. SEDBERRY
H. O. WILLIAMS

The Chairman of the
Accounts and Claims Committee of the
House of Representatives
Austin, Texas

Re: S. F. 15374 -
Norman J. Dierschke.

Dear Sir:

Enclosed is the affidavit of Norman J. Dierschke, asking for a refund of \$381.30 paid by him for an award on 38.13 acres in Glasscock and Reagan Counties, Texas; said award having been made to Mr. Dierschke, as good faith claimant, under Article 5421c, R. C. S.; and the full consideration for said land having been paid by him in cash to the Commissioner of the General Land Office.

Mr. Dierschke will appreciate it if you will take this claim up, and ask the Land Commissioner for such additional information as you desire, and incorporate this claim in the Appropriations Bill; so that his money can be repaid in due course thereafter.

Thanking you very kindly for your courtesies in this connection, we are

Very truly yours,

SEDBERRY & WILLIAMS

By M. E. Sedberry
M. E. Sedberry

MES:mn
Enc. - affidavit

cc: Hon. Earl Rudder, Commissioner
of the General Land Office
Austin, Texas

RECEIVED

FEB 25 1957

GENERAL LAND OFFICE

THE STATE OF TEXAS
COUNTY OF TOM GREEN

Norman J. Dierschke, being duly sworn, upon his oath deposes and says that he is the same person to whom a 38.13 acres of land was awarded by the General Land Office under his Application to purchase S. F. 15374; said land situated in Glasscock and Reagan Counties, and being a tract which had been reported by the surveyor as vacant land under J. C. Wilson's Mineral Application No. 43004 all as the same is shown in the General Land Office of Texas.

Affiant says that said Tract S. F. 15374 was awarded to him on his good faith application to purchase the same for a consideration of \$381.30; which Affiant paid to the Commissioner of the General Land Office for the award thereon. That was the full consideration for the purchase of said land.

Thereafter, said tract was held, by final judgment in the Court of Civil Appeals, styled Proctor vs. Markham et al, reported in 271, SW 2d 685, to be not a vacant tract but a part of Survey 24, Block 37, Township 5-South, T. & P. Ry. Co. Survey, in Glasscock and Reagan Counties.

This affidavit is made for the purpose of being considered and used as a basis for Affiant's claim for a refund of said sum of \$381.30; and the undersigned now makes application to the Legislature of the State of Texas, through the Accounts and Claims Committee of the House of Representatives, for said sum of \$381.30. In this connection, the Commissioner of the General Land Office of Texas will furnish said Committee with such other and further information as may be necessary for consideration of Affiant's said claim.

Respectfully submitted,

Norman J. Dierschke
Norman J. Dierschke, Affiant

SUBSCRIBED AND SWORN TO before me by the above named Norman J. Dierschke, this the 22nd day of February, A. D. 1957.

Marjette Nelson
Notary Public, Tom Green County, Texas

FILED
RECORDED
INDEXED
FILE NO. 212 R 214
110



Norman J. Dierachke, being duly sworn, upon his oath de-
poses and says that he is the same person to whom a 38.13 acres of
land was awarded by the General Land Office under his Application
to purchase S. F. 15374; said land situated in Glascock and Reagan

Counties, and being a tract which had been reported by a surveyor
as vacant land under J. C. Wilson's Mineral Application
all as the same is shown in the General Land Office of

Alliant says that said Tract S. F. 15374 was
him on his good faith application to purchase the same
consideration of \$381.30; which Alliant paid to the Commission
the General Land Office for the award thereon. That was the
consideration for the purchase of said land.

Thereafter, said tract was held, by final judgment in
the Court of Civil Appeals, styled Proctor vs. Markham et al,
reported in 271, SW 2d 682, to be not a vacant tract but a part
of Survey 24, Block 37, Township 5-South, T. & P. Ry. Co. Survey,
in Glascock and Reagan Counties.

This affidavit is made for the purpose of being considered
and used as a basis for Alliant's claim for a refund of said sum of
\$381.30; and the undersigned now makes application to the Legislature
of the State of Texas, through the Accounts and Claims Committee of
the House of Representatives, for said sum of \$381.30. In this con-
nection, the Commissioner of the General Land Office of Texas will
furnish said Committee with such other and further information as
may be necessary for consideration of Alliant's said claim.

Respectfully submitted,

Norman J. Dierachke
Norman J. Dierachke, Alliant

RECEIVED

SUBSCRIBED AND SWORN TO before me by the above named Norman J. Dierachke,
this the 22nd day of February, A. D. 1927.

Wm. H. Nelson
Notary Public, Tom Green County, Texas



(16)
File No. S. F. 15374
Glascock & Reagan County
Affidavit
Filed 2-27 1927
J. EARL RUDDER, Com'r.
File Clerk

PLAT

D-383

THE STATE OF TEXAS

Survey No. _____

Glasscock and Reagan COUNTY

35912

FIELD NOTES of a survey of

38.13 acres of land made for

James C. Wilson, Jr.

by virtue of his application filed with the Commissioner of the General Land Office, Austin, Texas, on the _____ day of _____, 19____; (application to be filed with the Commissioner of the General Land Office, Austin, Texas*) under the laws regulating the sale and lease of unsurveyed school land. Said land is situated in Glasscock and Reagan Counties _____, about 20 1/2 miles South 45 deg. West from Garden City _____, the county seat, and is described by metes and bounds as follows, to-wit:

Beginning at the N.W. corner of Survey No. 19, Block 36, Tsp. 5 South, T. & P. R. R. Co., and the S. E. corner of Survey No. 13, Block 37, Tsp. 5 South, T. & P. R. R. Co., for the N. E. corner of this Survey;

Thence with the West line of said Survey No. 19, S 14 deg. 57' 30" E 1906.6 varas to an old stone mound for its original S. W. corner;

Thence S 14 deg. 43' E 75.0 varas to a point in the North line of Survey No. 30, Block 36, Tsp. 5 South, T. & P. R. R. Co., as Patented, for the S. E. corner of this Survey;

Thence with the North line of said Survey No. 30, as Patented, S 75 deg. 18' W 107.5 varas to an old stone mound for its N. W. corner and the S. E. corner of Survey No. 24, Block 37, Tsp. 5 South, T. & P. R. R. Co., as corrected, for the S. W. corner of this Survey;

Thence with the East line of said Survey No. 24, as corrected, N 15 deg. 00' 30" W at 1909.8 varas pass a set stone for its N. E. corner, in all 1981.0 varas to a point in the South line of Survey No. 13, Block 37, Tsp. 5 South, T. & P. R. R. Co., for the N. W. cor. of this Survey;

Thence with the South line of said Survey No. 13, N 75 deg. 02' 30" E 109.5 varas to the place of beginning."

to the place of beginning.

Variation _____

Chain Carriers _____

Bearings marked _____

Surveyed _____, 19____

By _____
(Signature of Surveyor)

I, _____ Surveyor of _____ County,

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book _____, Page _____, of the County Surveyor's Records of _____ County, Texas.

This _____ day of _____, 19____.

Surveyor of _____ County, Texas.

IMPORTANT NOTICE

(1) To be used in lieu of "application filed with the Commissioner of the General Land Office, Austin, Texas, on the _____ day of _____, 19____" when application is to be accompanied by the field notes.
(2) The written report of the survey which is required to accompany the above field notes must show whether the above described tract of land is situated within five (5) miles (state exact distance) of a well producing oil, gas, or other minerals in paying quantities.

RECEIVED
MAY 15 1952
LAND OFFICE

nty Seat to land site.

ed.

please explain.

icate from all taxing units.

Handwritten notes:
Governing Board
1/2/72

CORRECT ADDRESS 7/21/55

NORMAN J. DIERSCHKE
ROUTE 3, BOX 180
SAN ANGELO, TEXAS

S.F. 15374