

325

File S. F. 15779

Harris County  
ABST. No. 1740

## SCHOOL LAND

Theodore Benfer  
(GOOD FAITH CLAIMANT)  
Spring, Texas0 52 Acres

Section No.

Block Tsp. Cert.

Act of June 19, 1939

Report and Sketch in SF-15777

REG. MK'D. PTD:

CORRECT ON MAP FOR 0 52 ACRES  
8/2/55 VES

CFO status OK 8/2/55  
 approved as mtd and valued  
 by the Commissioner and the  
 School Land Board at \$33.33 per  
 acre. 9-7-55 ok. SW.

Franklin Cui

Pat. to Orig. with M/R. 9/28/1955 J. Brooks

Obligation

Vol. 143

Page 396

B-138-1050-4m

PATD. ABST. SUP. F

Patented SEP 28 1955

No. 325 Vol. 25-B

CONTENTS SEP 29 1955

Mailed Co. Clk.

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 No. —  
 No. —

9-26-55

Pat Fee 10<sup>00</sup> Reg 3491  
 Rec Fee 104 Reg 3492  
 Howard W. Klein  
 Tomball, Texas

PAID IN FULL FOR 0.52 ACRES  
 DATE 9-27-55

**APPLICATION TO PURCHASE**

(Good Faith Claimant)

15779

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.

2. The said tract of land is situated in Harris County, Texas, about 25 miles North 26° West from Houston, the county seat, and is described as follows, to-wit:

.52 acres of land originally conveyed as a part of the John Brock Survey, A-122, but now alleged to be unsurveyed land, more particularly described in field notes attached hereto and incorporated by reference, said field notes marked Exhibit "A".

**RECEIVED**

JUL 18 1955

GENERAL LAND OFFICE

3. I am a good faith claimant under the terms of said Act, as is fully shown by the attached instruments marked Exhibit "A", "B", "C", "D", "E", and "F".

4. **Remarks:**\* On April 12, 1955, Alvin A. Klein, Adam Klein, Hugo Ehmann, A. H. Roth, Theodore Benfer, F. H. Benfer, Carl Schindewolf and Fritz Benfer, filed their joint applications as good faith claimants to 223.4 acres of land in Harris County, Texas, said application being assigned File No. SF15765. Survey of said land revealed that Carl Schindewolf and Fritz Benfer owned no part of said acreage. Now in lieu of File No. SF15765, each of the remaining parties files application for his particular good faith claimed portion of said acreage, together with the following attached instruments in support of said claim, to-wit:

- Exhibit "A"---Field notes of survey by J. S. Boyles, C.E.
- Exhibit "B"---Written report of surveyor covering subject tract and tracts of other good faith claimants.
- Exhibit "C"---Plat of survey covering subject tract and tracts of other good faith claimants.
- Exhibit "D"---Affidavit proving good faith claim.
- Exhibit "E"---Certified photostatic copy of Deed or Deeds of Applicant showing conveyance of subject tract to Applicant.
- Exhibit "F"---Questionnaire.

Theodore Benfer  
Theodore Benfer Good Faith Claimant

Post Office R. F. D. Spring, Texas

**IMPORTANT NOTICE!**

- \*NOTE: (1) The Good Faith Claimant should clearly indicate his position as to the existence of a vacancy.
- (2) If there should be no prior filing by an applicant, the good faith claimant should state whether application is accompanied by field notes or whether same will be filed within 120 days from date of filing of application with Commissioner of General Land Office.
- (3) Any other statement pertinent to the application to purchase may be included.

(OVER)

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 7 day of Sept., A. D. 1955, the price at which the area of land described in the above application No. 5715779, shall be sold, was fixed by the School Land Board at \$33.33 Dollars per acre, all of which is shown in Vol. 12, Page \_\_\_\_\_, of the Minutes of said Board.

Given under my hand this the 7 day of September, A. D. 1955, at Austin, Texas.

A. J. Mullins

Secretary of the School Land Board

S4088

GENERAL LAND OFFICE  
Austin, Texas

S. F. No. 15779

APPLICATION TO PURCHASE  
UNSURVEYED SCHOOL LAND  
(Good Faith Claimant)

of  
Theodore Bengel

Spring, Texas.

WITHOUT SETTLEMENT

0.52 acres

in Harris County, Texas.

Filed July 18, 1955

J. Earl Rudder  
Commissioner

Approved Sept. 7, 1955  
Rejected \_\_\_\_\_

J. Earl Rudder  
Commissioner

RECEIVED AS STATED  
\$1.00

J. Earl Rudder

DATE July 28, 1955  
Reg. No. 57882

GENERAL LAND OFFICE

J. Earl Rudder

File No. S. F. 15779

Harris County

Application

Filed July 18, 1955

J. EARL RUDDER, Com'r.

Pat Thompson

File Clerk

EXHIBIT "D"

THEODORE BENFER .52 ACRE TRACT

THE STATE OF TEXAS |  
COUNTY OF HARRIS |

BEFORE ME, the undersigned authority, on this day personally appeared THEODORE BENFER, who, having been by me first duly sworn upon his oath did depose and say:

My name is THEODORE BENFER, and I am also known as THEO BENFER, and as J. T. BENFER; I am 47 years of age and my mailing address is R. F. D., Spring, Texas. My wife's name is ELLA G. M. BENFER, and we were married prior to the time I became the owner of the hereinafter discussed property, and we are at present husband and wife. I am the good faith claimant of and am in possession of a .52 acre tract of land originally thought to be a portion of the John Brock Survey, Abstract 122 in Harris County, Texas. This tract of land is now thought to be a portion of unsurveyed school land, and is more particularly described by metes and bounds in Exhibit "1" attached hereto and incorporated by reference. This tract of land is at present being used by me upon which to graze livestock. It is not now under oil and gas lease, and there is no production of or exploration for oil, gas or other minerals from said tract of land. I first acquired this tract of land on March 13, 1954, by Deed recorded in Volume 2742, Page 366 of the Deed Records of Harris County, Texas. This particular Deed was a Partition Deed between myself and my uncle, Fritz Benfer and his wife, Annie Benfer, we jointly being the owner of a 2 acre tract of land thought to be out of the John Brock Survey in Harris County, Texas, said 2 acre tract of land being the same tract of land described in Deed from A. G. Martin Ehmann, and wife, Clara Ehmann, to my uncle, Fritz Benfer, and my uncle, William Benfer, said Deed dated August 4, 1931, and recorded in Volume 885, Page 165 of the Deed Records of Harris County, Texas. My two uncles had acquired this tract of land from the Ehmanns, and I later bought out the interest of my uncle, William Benfer. The Deeds whereby I purchased my Uncle William Benfer's

interest in said land, are more particularly described in application this day filed by me with reference to a 2.89 acre tract of land out of said John Brock Survey. Said Deeds set forth that this land was acquired by me from the heirs of my Uncle William Benfer, in the years 1949 to 1954. As more particularly set forth in application this day filed with the General Land Office by Hugo Ehmann, said tract of land was acquired by A. G. Martin Ehmann and his wife, Clara Ehmann, prior to 1900, reference being herewith made to the application of Hugo Ehmann, concerning his 62.26 acre tract of land, this day filed with the Commissioner of the General Land Office. All of the above referred to Deeds described said .52 acre tract of land as being out of and a part of the John Brock Survey, and all of the above described persons thought said land to be a portion of the John Brock Survey. Said land has for over fifty years been assessed on the Harris County Tax Rolls as a portion of the John Brock Survey.

This tract of land was fenced by my uncles, William Benfer and Fritz Benfer, for well over fifty years, they using same upon which to graze livestock. It has definitely been under fence under well recognized boundaries and to my knowledge there has never been any dispute as to the boundaries nor to the ownership of said land.

This land has been in the Benfer family for well over fifty years, and it has been continually possessed by me ever since I purchased same. All of the above described persons from whom I acquired title, were under the good faith belief that they were the owners thereof, and possessed it for well over ten years in this belief. I purchased same from the heirs of my Uncle William Benfer, in the good faith belief that they were the owners to same and that it was a portion of the John Brock Survey.

I own adjoining tract of land to this, out of the H. Benfort Survey, in Harris County, Texas, having acquired same in the identical Deed set forth above from the heirs of William Benfer. I use this tract of land upon which to graze livestock, and all of this land is fenced under one continuous fence.

The nearest production of oil, gas or other minerals is approximately  $1\frac{1}{4}$  miles northwest of said tract of land, and there is also

some production approximately two miles southwest of said tract of land.

WITNESS my hand this 14<sup>th</sup> day of July, 1955.

Theodore Benfer  
THEODORE BENFER

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of July, 1955.

Howard H. Klein  
Notary Public in and for Harris  
County, T E X A S.

HOWARD H. KLEIN  
Notary Public in and for Harris County, Texas  
My Commission Expires June 1, 1957

Form 842

SINGLE ACKNOWLEDGMENT

STATE OF TEXAS,  
COUNTY OF Harris

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Theodore Benfer 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 this the 14<sup>th</sup> day of July, A. D. 1955.

(L. S.)

Howard H. Klein  
Notary Public in and for Harris County, Texas.  
Notary Public in and for Harris County, Texas  
My Commission Expires June 1, 1957

EXHIBIT "1"

THEODORE BENFER .52 ACRE TRACT

FIELD NOTES of a survey of 0.52 acres of land made for Theodore Benfer by virtue of his application filed with the Commissioner of the General Land Office, Austin, Texas, on the 12th day of April, 1955, (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 Harris County, about 25 miles North 26° East from Houston, the County Seat, and is described by metes and bounds as follows, to-wit:

Beginning at a Southwest corner of F. H. Benfer's 69.52 acres on the North line of the Otto Eckert Survey and 63.32 varas South 89° 19' 40" West from its Northeast corner;

THENCE with the North line of the Otto Eckert Survey South 89° 19' 40" West 82.15 varas to the most Western Southeast corner of F. H. Benfer's 69.52 acres for the Southwest corner of this survey;

THENCE with F. H. Benfer's line North 48° 01' 10" East 108.9 varas to the Southerly re-entrant corner of F. H. Benfer's 69.52 acres for the North corner of this survey;

THENCE with F. H. Benfer's line South 00° 30" East 71.91 varas to the PLACE OF BEGINNING.

FILED  
APR 12 1955  
S. F. 12578  
Harris County  
DEPT. OF RECORDS  
Harris County  
FILED

3)

EXHIBIT "A"

THEODORE BENTLEY .52 ACRE TRACT

FIELD NOTES of a survey of 0.52 acres of land made for Theodore Bentley by virtue of his application filed with the Commissioner of the General Land Office, Austin, Texas, on the 13th day of April, 1955, (application to be filed with the Commissioner of the General Land Office, Austin, Texas) under the laws regulating the sale and lease of unswayed school land. Said land is situated in Harris County, about 25 miles North 26° East from Houston, the County Seat, and is described by metes and bounds as follows, to-wit:

Beginning at a Southwest corner of E. H. Bentley's 69.52 acres on the North line of the Otto Eckerl Survey and 63.32 acres South 89° 19' 40" West from the Northeast corner;  
THENCE with the North line of the Otto Eckerl Survey South 89° 19' 40" West 82.15 acres to the most Western Southeast corner of E. H. Bentley's 69.52 acres for the Southwest corner of this survey;  
THENCE with E. H. Bentley's line North 48° 01' 10" East 108.9 acres to the Southerly re-entrant corner of E. H. Bentley's 69.52 acres for the North corner of this survey;  
THENCE with E. H. Bentley's line South 00° 30' East 21.91 acres

to the PLACE OF BEGINNING.

File No. 87-15719  
Harris County  
Applicant  
Filed July 18 19 55  
PEARL RUDDER, Com'r.  
P. Thompson  
File Clerk

(2)

366

1245262

THE STATE OF TEXAS  
COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

EXHIBIT "E"

WHEREAS, We, FRITZ BENFER, and wife, ANNIE BENFER, and THEODORE BENFER, and wife, ELLA G. M. BENFER are the joint owners of the following described tract of land in Harris County, Texas, to-wit:

Two (2) acres of land, more or less, out of the John Brock Survey, in Harris County, Texas, being the same tract of land described in a Deed from A. G. Martin Ehman, and wife, Clara Ehman, to Fritz Benfer and William Benfer, dated August 4, 1931 and recorded in Volume 885, Page 165 of the Deed Records of Harris County, Texas, reference to which instrument and its record is here made for a more particular description of said Two (2) acre tract, more or less.

AND WHEREAS, We are desirous of equitably and fairly partitioning between ourselves said tract of land;

NOW, THEREFORE, WE, the undersigned, FRITZ BENFER and wife, ANNIE BENFER, of Harris County, Texas, for and in consideration of Ten (\$10.00) Dollars to us cash in hand paid by THEODORE BENFER, and wife, ELLA G. M. BENFER, the receipt of which is hereby acknowledged and confessed, and in the further consideration of a similar Deed, this Day executed by the said THEODORE BENFER, and wife, ELLA G. M. BENFER, to us, the said FRITZ BENFER, and wife, ANNIE BENFER, for the purpose of partitioning the above described land, do hereby and by these presents GRANT, SELL and CONVEY unto the said THEODORE BENFER, and wife, ELLA G. M. BENFER, of Harris County, Texas, the following described portion of said Two (2) acre, more or less, tract, to-wit:

.60 acres of land out of the John Brock Survey in Harris County, Texas, to-wit:

BEGINNING at a pine knot in the South line of the John Brock Survey, said point being the South-West corner of the Fritz Benfer tract of land and the South-east corner of said 2 acre tract of land, said point being West a distance of 684.60 feet from the South east corner of the Brock Survey.

THENCE North along the West line of the F. Benfer tract for a distance of 202.74 feet to an iron pipe for a corner.

THENCE South 49 degrees 19 minutes West for a distance of 310.73 feet to an iron pipe in the South line of the Brock Survey.

THENCE East along the South line of the Brock Survey for a distance of 233.89 feet to the place of beginning and containing 0.60 acres of land.

TO HAVE AND TO HOLD the above described land and premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said THEODORE BENFER, and wife, ELLA G. M. BENFER, 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 THEODORE BENFER, and wife, ELLA G. M. BENFER, their heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under us.

WITNESS our hands this the 13th day of March, A. D. 1954

Fritz Benfer  
FRITZ BENFER

Annie Benfer  
ANNIE BENFER

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, R. C. Rockwell

A Notary Public, in and for Harris County, Texas, on this day personally appeared Fritz Benfer and Annie Benfer, 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 Annie Benfer, wife of the said Fritz Benfer having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Annie Benfer 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 13th day of March, A. D. 1954



R. C. Rockwell  
Notary Public in and for Harris  
County, TEXAS.

Filed for Record April 1, 1954 at 1:15 o'clock P.M.  
Recorded April 20, 1954 at 3:39 o'clock P.M.

W. D. MILLER, Clerk County Court, Harris County, Texas

By Chas. R. Adams Deputy

THE STATE OF TEXAS.

COUNTY OF HARRIS: I, W. D. Miller, Clerk County Court, in and for  
said County and State, do hereby certify that

the above and foregoing is a true and correct Photostat Copy of

Deed Dated Mar-13-1954  
from Fritz Benfer et ux  
to Shadown Benfer  
as the same appears on record in my office in Records of Deeds  
Volume 2742 Page 366.

Given under my hand and seal of said Court, at  
office, at Houston, Texas, this 11 day of July 1955.

W. D. MILLER, Clerk

County Court, Harris County, Texas.

By Stella M. Coale Deputy.

File No. 87.15779

James County

Best copy

Filed July 18 19 55

J. EARL RUDDER, Com'r.

Est Thompson  
File Clerk

(3)

RECEIVED  
JUL 18 1955  
GENERAL LAND OFFICE

EXHIBIT "F"

THEODORE BENFER .52 ACRES

The following information is required with all applications to purchase:

1. Type of land
  - (a) Kind of soil Sandy loam
  - (b) Topography of surface Flat
  - (c) Purpose for which adapted (cultivated or grazing) grazing
2. Type and value of timber, if any None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.) \$20.00
4. The assessed value in this county is 40 % of market value.
5. The actual value without improvements is \$50.00 per acre.
6. The nearest production of oil, gas or minerals is 1 1/4 miles (distance), northwest (direction).
7. The nearest drilling oil or gas well is 3 mi. (distance) N.E. (direction).  
3 mi. S.W.
8. The nearest dry hole is 1 mile (distance) W. (direction).  
1 mile N.
9. If the land is under oil and gas lease, fill in the following:
  - (a) To whom leased None
  - (b) Date of lease None
  - (c) Bonus received (per acre) None
  - (d) Total amount of rental received \_\_\_\_\_
10. If there is production on this tract, fill in the following:
  - (a) Number of producing wells None
  - (b) Name of the field in which the tract is located None
  - (c) Royalty payments received None
11. Do you contemplate a sale of this land in the near future? No  
(Yes or No)  
If so, what is the sale price per acre? \_\_\_\_\_

The above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 14th day of July, 1955.

Theodore Benfer  
Theodore Benfer

Sworn to and subscribed before me, this the 14th day of July, 1955.

Howard H. Klein  
Notary Public in and for Harris County

HOWARD H. KLEIN  
Notary Public in and for Harris County, Texas  
My Commission Expires June 1, 1957

The following information is required with all applications to purchase:

1. Type of land \_\_\_\_\_
- (a) Kind of soil Sandy loam
- (b) Topography of surface Flat
- (c) Purpose for which adapted (cultivated or grazing) grazing
2. Type and value of timber, if any None
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.) \$20.00
4. The assessed value in this county is 40 % of market value.
5. The actual value without improvements is \$20.00 per acre.
6. The nearest production of oil, gas or minerals is 1 1/2 miles (distance), Northwest (direction).
7. The nearest drilling oil or gas well is 3 mi. (distance) N.E. (direction).
8. The nearest dry hole is 1 mile (distance) W. (direction).
9. If the land is under oil and gas lease, fill in the following:

- (a) To whom leased None
- (b) Date of lease None
- (c) Bonus received (per acre) None
- (d) Amount of rental received \_\_\_\_\_
10. Production on this tract, fill in the following:
  - (a) Number of producing wells None
  - (b) Field in which the tract is located None
  - (c) Payments received None
11. Do you contemplate a sale of this land in the near future? No  
(Yes or No)
- If so, what is the sale price per acre? \_\_\_\_\_

File No. 8-15719  
Harris County  
 Filed July 18 1955  
 A. EARL RUDDER, Com'r.  
 File Clerk

(4)

The above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 14 day of July 1955.

**RECEIVED**

Sworn to and subscribed before me, this the 14 day of July 1955.

Notary Public in and for Harris County  
 HOWARD M. KLEIN  
 Notary Public in and for Harris County, Texas  
 My Commission Expires June 1957

July 27, 1955

Mr. Theodore Benfer  
R. F. D.  
Spring, Texas

Dear Mr. Benfer:

Your Good Faith Claimant application to purchase alleged unsurveyed land in Harris County, together with filing fee in the amount of \$1.00 has been received. This application was filed of record on July 25, 1955, and assigned File No. S. F. 15779.

Under the law, 120 days are allowed for the completion of a Good Faith Claimant's application. All supporting instruments must be submitted within this period or all rights under the application will be lost.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks  
Attorney

RJB:pt  
File: S. F. 15779

File No.

Filed

EARL RUDDER, Comm'r

Clerk

Comm'r

15

File No. A. J. 15779

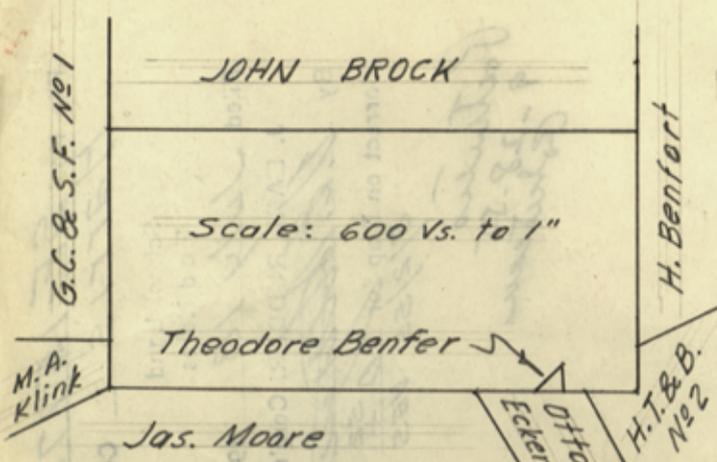
Tarris County

Letter to Applicant

Filed July 27 1955

J. EARL RUDDER, Com'r.

Pat Thompson  
File Clerk



THE STATE OF TEXAS } **EXHIBIT A**  
 COUNTY OF Harris } SURVEY NO. 5779  
 (GOOD FAITH CLAIMANT)

FIELD NOTES of a survey of 0.52  
 acres of land made for Theodore Benfer

by virtue of his application filed with the Commissioner of the General Land Office, Austin, Texas, on the 18<sup>th</sup> day of July, 1955, (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 Harris County, about 22 miles North 26° East from HOUSTON, the County Seat, and is described by metes and bounds as follows, to-wit:

Beginning at a Southwest corner of F. H. Benfer's 69.52 acres on the North line of the Otto Eckert Survey and 63.32 varas South 89° 19' 40" West from its Northeast corner;

THENCE with the North line of the Otto Eckert Survey South 89° 19' 40" West 82.15 varas to the most Western Southeast corner of F. H. Benfer's 69.52 acres for the Southwest corner of this survey;

THENCE with F. H. Benfer's line North 48° 01' 10" East 108.9 varas to the Southerly re-entrant corner of F. H. Benfer's 69.52 acres for the North corner of this survey;

THENCE with F. H. Benfer's line South 00° 59' 30" East 71.91 varas

RECEIVED

COMPTROLLER - COUNTY CLERK

COMPTROLLER - COUNTY CLERK

COMPTROLLER - COUNTY CLERK

to the place of beginning.

(over)

Variation 7° 00' East - Gurley Transit  
No. 34348  
Surveyed May 2nd to June 28th, 1955

A. R. Plummer  
J. W. Shook  
S. M. Hunter

Chain Carriers  
H. C. Wellman - Party Chief

I, J. S. Boyles, Licensed State Land-County-Surveyor of Harris County, Texas, do hereby certify that the foregoing survey was made by me on the ground, according to law, on the date and with the Chain Carriers aforesaid, duly qualified, and that the limits, corners, and boundaries with the marks of the same, natural and artificial, are truly and correctly described and set forth in the foregoing plat and field notes, just as I found them on the ground.

J. S. Boyles  
Licensed State Land Surveyor--  
County Surveyor

Filed for record in my office, the 12 day of July, 1955, at 3:30 o'clock P. M, and duly recorded the 12 day of July 1955, in Book M., Page 348 of the Field Note Records of Harris County, Texas.

R. A. Washburn  
County Surveyor--County Clerk

**RECEIVED**

**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.

I, J. S. Boyles, 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 assessed Value \$ 20.00 per acre (including timber)

J. S. Boyles  
Licensed State Land Surveyor--  
County Surveyor

File No. SF-15779  
County Harris  
School Land  
Field Notes  
Filed July 18 1955  
By J. EARL RUDDER, Com'r.  
Correct on Map for 0.52 acres  
9/2/55 LES  
Patented  
9-28-55  
Johnston

RECEIVED AS STATED  
Date 7/18/55  
Reg. No. 57882  
1.00  
GENERAL LAND OFFICE

August 18, 1955

Mr. Theodore Benfer  
R. F. D.  
Spring, Texas

Dear Mr. Benfer:

On April 12, 1955, the Good Faith Claimant application to purchase alleged unsurveyed land in Harris County, numbered S. F. 15765, was filed in the General Land Office. Under the law, 120 days are allowed for the completion of a Good Faith Claimant's application.

Please be advised that this application has become void for failure to complete within the 120-day period and the file wrapper containing the papers relative thereto has been endorsed as follows:

"Cancelled for failure to complete  
within the time allowed by law.  
8-17-1955

J. Earl Rudder, Commissioner"

The application No. S. F. 15765 to which this letter makes reference has been superseded by your later application S. F. 15779 which was filed on July 18, 1955 and is still in force.

Very truly yours,

EARL RUDDER, COMMISSIONER

By

Robert J. Brooks  
Attorney

RJB:pt  
Files: S. F. 15765  
S. F. 15779

*File No. 15765  
Earl Rudder, Comm.  
8-17-1955  
Cancelled for failure to complete  
within the time allowed by law.  
8-17-1955*

File No. 15779

Hawaii County

Gen. of Cancellation & Appeals

Filed August 18 19 55

PEARL RUDDER, Com'r.

Pat Thompson  
File Clerk

2

ACCEPTANCE OF TERMS OF SALE  
OF UNSURVEYED SCHOOL LAND

(Applicant or Good Faith Claimant)

Tom Ball, Texas, SEPTEMBER 24 1955

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

I hereby accept the terms of sale of the tract of unsurveyed school land hereinafter described as stated in your letter dated September 15, 1955 and apply to complete my application to purchase under the terms of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature and approved June 19, 1939, and other laws relating to the sale of unsurveyed school land without settlement.

The land is situated in Harris County, Texas, about 22 miles (give course) N, 26 W from the county seat, and is briefly described as follows:

Survey No.	S. F. No.	Acres	Classification
	15779	0.52	

I agree to pay for said land the price of \$33.33 Dollars per acre, and I hereby enclose the sum of \$17.33 Dollars as the full cash payment therefor.  
(Insert whether "full" or "one-fortieth")

I further agree that the sale to me is made upon the express conditions, to-wit:

The reservation of minerals will be 1/8th of all oil, gas, sulphur and other minerals as a free royalty to the State.

RECEIVED

SEP 26 1955

I do solemnly swear (affirm) that I am over twenty-one (21) years of age.

Theodore Benfer  
Applicant or Good Faith Claimant  
Post Office R.F.D. SPRING, TEXAS

Sworn to and subscribed before me, this the 24 day of September, 1955.

Howard H. Klein  
HARRIS County, Texas

HOWARD H. KLEIN  
Notary Public in and for Harris County, Texas  
My Commission Expires June 1, 1957

\$ \_\_\_\_\_ School Lands.

For value received, I, the undersigned, do promise to pay to the State of Texas the sum of \_\_\_\_\_ Dollars,

with interest thereon as hereinafter specified, the same being for the remainder of purchase money for the following described tract of land purchased by me, of the State of Texas, in accordance with the provisions of laws relating to the sale of unsurveyed public free school lands; to-wit: All of Survey No. \_\_\_\_\_,

S. F. No. \_\_\_\_\_, Grantee \_\_\_\_\_, situated in \_\_\_\_\_ County, Texas.

The annual interest of five per cent, upon all unpaid principal, together with one-fortieth of the original principal, I am to pay or cause to be paid to the General Land Office, at Austin, Travis County, Texas, on or before the first day of each November thereafter until the whole purchase money is paid. And it is expressly understood that I am to comply strictly with all the conditions, limitations and requirements, and am subject to and accept all the benefits and penalties contained and prescribed in the laws above referred to.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Applicant or Good Faith Claimant  
Post Office \_\_\_\_\_





J. EARL RUDDER, COMMISSIONER  
DENNIS WALLACE, CHIEF CLERK

# DUPLICATE RECEIPT

(To be Kept by Land Office)

LEDGER 143

PAGE 396

FILE No. 15779

Post Office Spring, 1955

To THE COMMISSIONER General Land Office, Austin, Texas.

I enclose CK for \$ 173.55  
(Say whether Money Order or Draft on a Bank in Austin, or Cash.)

of which \$ 173.33 are for principal  
\$ \_\_\_\_\_ are for interest  
\$ 100.00 are for fees

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

Section	Block	Township	Certificate	SURVEY	Acres	County
				<u>Good Faith Claim</u>	<u>0.52</u>	<u>Tarrant</u>

Theodore Benjes  
(Name of Sender.)

Received remittance as stated above. 9 76 55

\_\_\_\_\_  
(Address)

Commissioner General Land Office.



J. EARL RUDDER, COMMISSIONER  
DENNIS WALLACE, CHIEF CLERK

# DUPLICATE RECEIPT

(To be kept by Land Office)

② 5 F. 15779  
15779  
15779  
15779

THE COMMISSIONER General Land Office, Austin, Texas.

Post Office \_\_\_\_\_

PAGE \_\_\_\_\_

INDEX \_\_\_\_\_

I enclose \_\_\_\_\_

(Put whether Money Order or Draft on a Bank in Austin, or Cash.)

\$	100.00	are for _____ fees
\$	17.33	are for interest
\$	17.33	are for principal

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

Section	Block	Township	County	Acres	County

(Name of Sender) \_\_\_\_\_

Received remittance as stated above. \_\_\_\_\_

(Address) \_\_\_\_\_

Commissioner-General Land Office

Ledger 143

# LAND AWARDS AND RECEIPT

S.F. File No. 15779

Page 396

Date of Award September 26, 1955 194

GENERAL LAND OFFICE,  
AUSTIN, TEXAS

WHEREAS, Theodore Benfer

of Spring, 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
			<b>S. F. 15779</b>	<b>Theodore Benfer</b>	<b>0.52</b>	<b>\$ 33.33</b>	<b>Harris</b>

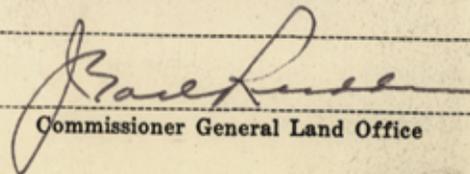
Date of Sale \_\_\_\_\_

Amount of Note \$ \_\_\_\_\_

Rate of Interest \_\_\_\_\_ Per Cent

Due November 1st Annually  
SCHOOL LAND

The School land Board having fixed the price, and the State having received \$ \$17.33 as the full payment thereon, I do hereby award to said applicant the survey of land described above with a reservation of a free royalty of one-eighth on oil, gas, sulphur and all other minerals to the State.

  
Commissioner General Land Office

OK  
S.W.

SCHOOL LAND  
Due December 1st Annual

Rate of interest Per Cent

Amount of Note \$

Date of Sale

any other mistake on the part of  
and described above with a recitation of the  
person I do hereby warrant to and adjacent the survey of  
being received & on the day  
The School Land Board having fixed the price and the State

SECTION	TOWNSHIP	RANGE	ACRES	AMOUNT	DATE	REMARKS
10	10	10	10	10	10	10

land filed in this office in application and obligation to purchase the following land to-wit:

of \_\_\_\_\_ Texas per in the manner and form hereinafter

WHEREAS \_\_\_\_\_

AGENTS TEXAS  
GENERAL LAND OFFICE

Page

Register

Date of Award

File No

LAND WARRANTS AND RECEIPTS

S.F. 15779  
Dup. Award  
Receipt 9-26-55

July 6th, 1955

EXHIBIT B

Commissioner of the  
General Land Office,  
Austin, Texas

Dear Sir:

This is the surveyor's statement in connection with the surveys for Theodore Benfer, F. H. Benfer, Alvin A. Klein, Adam Klein, Hugh Ehmann and A. H. Roth, under their joint Good Faith Application on seven tracts aggregating 239.39 acres which, for many years, have been considered a part of the John Brock Survey.

For many years, back as far as possibly 1911 or 1912 I have known the property surveyed as being a part of the John Brock Survey and to my certain knowledge the claimants hereunder are descendants of the people who bought and owned this land as a part of the John Brock and I have, as County Surveyor of Harris County, made junior surveys in, on and around the Brock and this particular area embraced within the application.

In making the survey of these tracts I began at the Southeast corner of the Andrew Lawson Survey, which corner and the South line of which, was fixed in a court decree years ago, in which the Rice Institute was a party to the suit. The Isaac Bunker Survey and all of its lines have been fixed by court decree.

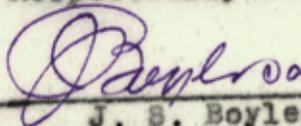
I ran out the entire Brock Survey as it has long been claimed and recognized on the ground. The Northeast corner of the Brock is well-fixed and established and is located within a vara or two on the ground from the decreed Southeast corner of the Andrew Lawson, and in accordance with its patented field note call. In running out the Brock I found that there was an excess of 821.45 varas in the recognized and occupied position of the Brock South line over the patented call distance. However, this recognized and occupied position was recognized by Will Powers in 1862; by Bower in 1889; by Gillespie in 1876 and 1878; by Bower in his location of the Beniguez Survey and by Stimson in 1894. This will show that the General Land Office has recognized the excess distance North and South by issuing patents to the K. Benfort, F. Strocheker, Otto Eckert, James Moore and Mary A. Klink. In view of this long and continued recognition by the General Land Office you can readily see why the deeds into the applicants herein and to their predecessors in title call for the Brock Survey. In addition, their properties have been assessed and taxes collected in Harris County over this 239.39 acres for many, many years as being a part of the John Brock Survey.

While it is true that some of the present good faith claimants have acquired the property by inheritance, others have acquired it by purchase, and now having to quiet their title through the State will only mean they have to pay for the land a second and/or third time. In view of this situation I would most sincerely recommend that these persons be given the land at the absolute minimum price that the Board can place thereon.

This land is approximately four and one-half miles South of the nearest producing oil well. It has been lived on and is lived on; has been cultivated and used for fifty years to my certain knowledge.

Respectfully submitted,

Detailed Map No. 5194  
accompanying this report.



J. B. Boyles,  
Licensed State Land Surveyor

EXHIBIT "C"

THEODORE BENFER .52 ACRE TRACT

PLAT OF SURVEY COVERING SUBJECT TRACT  
AND TRACTS OF OTHER GOOD FAITH CLAIMANTS.

Said Plat is not attached hereto, but is separately this day  
filed with the Commissioner of the General Land Office, said Plat  
being a map of such size that same cannot be attached hereto.

RECEIVED

JUL 18 1955

GENERAL LAND OFFICE

①  
12  
/ 2  
/ 1  
/ 1  
/ 2

EXHIBIT "C"

THEODORE BENTON. 52 ACRE TRACT

PLAT OF SURVEY COVERING SUBJECT TRACT  
AND TRACTS OF OTHER GOOD FAITH CLAIMANTS.

Said Plat is not attached hereto, but is separately this day  
filed with the Commissioner of the General Land Office, said Plat  
being a map of such size that same cannot be attached hereto.

RECEIVED

GENERAL LAND OFFICE

① 56 15779



J. EARL RUDDER, COMMISSIONER  
DENNIS WALLACE, CHIEF CLERK

## General Land Office

State of Texas

Austin

14

September 15, 1955

*PR 21/ K2 (51)*  
*10-21-55*  
*re: 15778-15779*

Mr. Theodore Benfor  
Spring, Texas

Dear Mr. Benfor:

The School Land Board of the State of Texas at a meeting held in my office September 7, 1955, fixed a price at which you may pay for the unsurveyed school land in S. F. 15778, 2.89 acres; and S. F. 15779, 0.52 acres, both in Harris County, which you applied for, at \$33.33 per acre. The price is based on your questionnaires.

This tract is within five miles of an oil well producing in commercial quantities, and the reservation of minerals will be 1/8th of all oil, gas, sulphur and other minerals as a free royalty to the State.

Since this area contains less than 80 acres, it will have to be paid for in cash. You should, therefore, forward a check in the amount of \$113.65, which, according to my calculation, is the amount necessary to pay for such unsurveyed school land. In addition to the above, the patent fee on these tracts will amount to \$20.00. You may include these two sums in one check which should be made payable to the State Treasurer. It will also be necessary for you to forward to this office a separate check in the sum of \$2.04 to defray the expense of recording the patents in Harris County. This latter check must be made payable to the Commissioner of the General Land Office.

I am enclosing forms of acceptance, which I request that you fill out and return to this office with the remittances.

Sincerely yours,

EARL RUDDER, COMMISSIONER

By

Chas. R. Leggott  
School Land Division

CRL:ej  
enc.  
S.F. 15778-15779

67751 FS

(12)

Letter of  
valuation  
9-15-65

General Land Office  
State of Texas  
Austin  
TX



J. EARL RUDDER, COMMISSIONER  
DENNIS WALLACE, CHIEF CLERK

September 15, 1965

Mr. Theodore Bentor  
Spring, Texas

Dear Mr. Bentor:

The School Land Board of the State of Texas at a meeting held in my office September 7, 1965, fixed a price at which you may pay for the unsurveyed school land in S. 7. 1578, 2.89 acres; and S. 7. 1579, 0.52 acres, both in Harris County, which you applied for, at \$25.75 per acre. The price is based on your questionnaires.

This tract is within five miles of an oil well producing in commercial quantities, and the reservation of minerals will be 1/8th of all oil, gas, sulphur and other minerals as a free royalty to the State.

Since this area contains less than 80 acres, it will have to be paid for in cash. You should, therefore, forward a check in the amount of \$117.65, which, according to my calculation, is the amount necessary to pay for such unsurveyed school land. In addition to the above, the patent fee on these tracts will amount to \$20.00. You may include these two sums in one check which should be made payable to the State Treasurer. It will also be necessary for you to forward to this office a separate check in the sum of \$2.04 to defray the expense of recording the patents in Harris County. This latter check must be made payable to the Commissioner of the General Land Office.

I am enclosing forms of acceptance, which I request that you fill out and return to this office with the remittance.

Sincerely yours,

J. EARL RUDDER, COMMISSIONER

By  
Chas. R. Leggett  
School Land Division

87751-1578-1579  
enc.  
GRL:ej