

SURVEYOR'S REPORT

DISCUSSION

Highland Heights Annex No. 9 ("Highland Heights") recorded in Volume 20, Page 32 of the Map Records of Harris County, Texas, depicts the easterly line of the subdivision as being the easterly line of the Philip Thompson Survey Abstract No. 768 ("Philip Thompson Survey"). However, the easterly line of the Philip Thompson Survey is depicted as being further to the east of where Highland Heights depicts it in Willow Run Section 6 (Willow Run Section 6) map record, recorded in Volume 158, Page 94 of the Map Records of Harris County, Texas. This discrepancy is demonstrated on this survey by ties to monuments found in other subdivisions which lie within the H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431 which adjoins the Philip Thompson Survey to the east.

There has been confusion about the location of the easterly line of the Philip Thompson Survey and this can be demonstrated by a discrepancy of 10 varas (approximately 55 feet), in an east/west direction, between the original patent notes at the General Land Office of the State of Texas for the Philip Thompson Survey and the transcribed field notes for H. & T.C. R.R. Co. Survey Block 1 Section 10 Abstract 431 recorded in Volume 235, Page 470 of the Deed Records of Harris County, Texas. This discrepancy is possibly an unproven vacancy and the confusion as to the location of the easterly line of the Philip Thompson Survey and the westerly line of H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431 may very well be an expression of this same unproven vacancy, although there appears to be no discrepancy between the original patent notes for the H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431 and the original patent notes for the Philip Thompson Survey.

For the purposes of this survey, the location of the easterly line of the Philip Thompson Survey and the westerly line of the H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431 was held according to where it is depicted as being located on the Willow Run Section 6 map record.

The clear intent of the Highland Heights map record was to reach the easterly line of the Philip Thompson Survey. Therefore, the lines depicted in the Highland Heights map would be extended to reach it, according to the location for it shown on the Willow Run Section 6 map record.

Texas case law suggests that the tier of lots depicted along the easterly edge of the Highland Heights map are "closing lots", since they do not have the same dimensions as the other lots within the blocks adjoining the easterly edge of the Highland Heights map (see *Toudouze v. Keller*, 118 S.W.185). In other words, the excess would not be prorated among the other lots within the Highland Heights map, but rather placed in each of the lots along the easterly edge of the Highland Heights map.

The subject tract deed is recorded in Harris County Clerk's File No RP-2025-473428 ("vesting deed"). It describes the subject tract as being "Tract A, Block 5, HIGHLAND

HEIGHTS ANNEX NO. 9...". Since there is no Tract A, Block 5 depicted on the Highland Heights map, this description is ambiguous and it appears to be an appraisal district description for a tract of land adjoining the easterly line of Lot 2 Bock 1 of Estates at Tillison ("Estates at Tillison") recorded in Film Code No. 706006 of the Map Records of Harris County, Texas. Estates of Tillison is a replat of part of Lot 4 Block 5 of Highland Heights.

For the reasons stated above, Land Surveyor wrote a metes and bounds description for the subject tract, which is attached to this survey, and ignored the vesting deed description. Land Surveyor treated the land in the attached metes and bounds description to this survey as a description of the excess in Lot 4 Block 5 of Highland Heights.

OBSERVATIONS

As stated above, Texas case law suggests the excess land in the Highland Heights map would be considered to be part of the "closing lots". Therefore the purchaser of those "closing lots" would have superior written title to the excess within the Highland Heights map. As stated above, Lot 4 Block 5 of the Highland Heights map, in part, has been replatted as Estates at Tillison. The Estates at Tillison map depicts its easterly line as being the westerly line of Volume 5566, Page 20 of the Deed Records of Harris County, Texas ("Harris County Clerk's File No. B910746"), which lies entirely within the H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431 and is depicted on Willow Run Section 6 map as having a westerly line coincident with the westerly line of the H. & T.C. R.R. Co. Survey Block 1 Section 11 Abstract 431. This suggests the Estates at Tillison map does not defeat the above described Texas case law.

Job No. H26022



Deward Karl Bowles
RPLS No. 4966



This report is based on the Land Title Survey and plat made by Deward Karl Bowles, Registered Professional Land Surveyor No. 4966, on February 28, 2026; see said plat.

B&B Surveying Company
2720 North 10th Street
Beaumont, Texas 77703
713/942-2000 – phone
bbsurveying@aol.com
www.bandbsurveying.com
Texas Licensed Surveying Firm No. 10022700