

Judgment (excerpt)

Jno. B. Chilton v. Unknown Heirs of Samuel Heath and Melvina Roberts — Comanche County District Court, Cause No. 2772 (1909)

...as attorney ad litem for said defendants and each of them, and filed his answer herein on their behalf and on behalf of each of them; and thereupon each party announced ready for trial, and a jury having been waived, the matters of law and fact were submitted to the Court, and after hearing the pleadings read and presented, and after hearing all the evidence introduced — a copy and statement of which is made out and signed by the attorneys and the Court and filed herein as is required by law — the Court is of the opinion that the law and the evidence is with the plaintiff, and that the plaintiff is entitled to recover as is sought in his petition, and as is hereinafter adjudged, to-wit:

It is therefore ordered, considered, adjudged, and decreed by the Court that the plaintiff John B. Chilton do have and recover of and from each and all of the defendants herein, to wit: the unknown heirs of Sam'l Heath, deceased, their heirs and legal representatives, and the unknown heirs of Melvina Roberts, deceased, their heirs and legal representatives, and all of whom are the persons and parties hereinbefore referred to as the defendants herein, the title and possession of the following described real estate in Comanche County, Texas, to-wit:

Twenty (20) acres of land out of a survey patented to the heirs of said Heath, by patent No. 1817, Vol. 11, on July 22, 1854, Abstract No. 420, and beginning at the S.W. corner of the Randolph survey; Thence North with the line of the Randolph survey 270 vrs. to James['s] Creek; Thence up James['s] Creek with its meanderings 950 vrs. in a southwesterly direction to the south line of the said Heath survey; Thence East 473 vrs. to the place of beginning.

And it appearing to the Court that the plaintiff is in possession of said premises, and there is no necessity for the issuance of a writ of possession, it is ordered and decreed that the plaintiff be confirmed and quieted in the possession of said premises, and that the defendants be forever enjoined from asserting any claim to or interfering with the plaintiff's possession of said premises...

Note: excerpt only, as supplied. This is the final judgment following the February 1909 citation by publication in the same cause (No. 2772) — the court ruled in Chilton's favor, confirming his title and possession against the unknown heirs of both Samuel Heath and Melvina Roberts, and quieting title so no writ of possession was needed. This closes out the 20-acre parcel carved from the Samuel Heath survey that the Roberts family never formally conveyed.