

RESOLUTION NO. R-2015-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN  
TYLER CITY LIMITS AND OWNED BY TAXING ENTITIES INCLUDING THE  
CITY OF TYLER AS THE RESULT OF A TAX SALE: AND ESTABLISHING  
AN EFFECTIVE DATE.**

**WHEREAS**, the taxing entities, including the City of Tyler, Smith County, Texas, have become the owners of certain real property by virtue of the foreclosure sale conducted by the Sheriff pursuant to an order of the District Court as set out in the attachments described below: and

**WHEREAS**, all taxing entities involved in the below-referenced causes must consent to the sale of the described real property; and

**WHEREAS**, it is to the benefit of all taxing entities involved that the property be returned to its respective tax rolls;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the Mayor be and is hereby directed and authorized to execute the deed and any and all documents necessary to convey the real property referred to in a District Court Order in **CAUSE NO. 20,306-C: BEING LOT 14 BLOCK 6 (NCB 852-M), LOCATED AT 811 DUCKENFIELD, LOCATED IN THE MCCULLAR'S SUBDIVISION, SMITH COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT RECORD THEREOF, RECORDED IN VOLUME 1 PAGE 295, MAP RECORDS OF SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF SMITH COUNTY UNDER ACCOUNT #150000085213014000** to the buyer for and in consideration of the cash bid; all as described in the attached Exhibit "A", said monies to be distributed pursuant to Section 34.05 of the Texas Property Tax Code.

**PART 2:** That this resolution shall take effect immediately upon adoption.

**ADOPTED** this 22<sup>ND</sup> day of JULY, 2015.

*Edward Moore*  
EDWARD MOORE, MAYOR PRO TEM  
OF THE CITY OF TYLER, TEXAS

A T E S T:



*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

*Deborah G. Pullum*  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**EXHIBIT "A" TO RESOLUTION R-2015-20**

**Cause No.** **20,306-C**

**Date of Tax Sale** **February 7, 2006**

**Taxes Due:** **\$1,750.44** **Tyler Independent School District**  
**\$345.86** **Smith County**  
**\$189.52** **Tyler Junior College**  
**\$578.73** **City of Tyler**

**Adjudged Value** **\$2,300.00**

**Acct. No.** **150000085213014000**

**Present Bid** **\$1,200.00**

**Bidder** **NEXTLOTS NOW, LLC**  
**P.O. Box 870**  
**Lancaster, TX 75146**

**PROPERTY DESCRIPTION**

**BEING LOT 6, BLOCK 6 (NCB 852-M), LOCATED IN THE MCCULLAR'S SUBDIVISION, SMITH COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT RECORD THEREOF, RECORDED IN VOLUME 1 PAGE 295, MAP RECORDS OF SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF SMITH COUNTY UNDER ACCOUNT #150000085213014000.**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP  
ATTORNEYS AT LAW  
1517 W. FRONT ST., SUITE 202  
TYLER, TX 75702

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Telephone (903) 597-2897  
FAX (903) 597-2402

Deborah G. Pullum, City Attorney  
City of Tyler  
212 N. Bonner  
Tyler, Texas 75702

**Re:      Resolutions for Council Action  
Cause No. 20,306-C, Smith County, et al vs Kager Jones, Est. (Tax Resale Property)**

Dear Ms. Pullum:

Enclosed for the earliest Tyler City Council meeting are resolutions authorizing the Mayor to approve the bid for the sale of the above Struck-off properties. The bidders and the amounts being bid are stated in the attached exhibits.

The taxing entities in Smith County became owners of these properties by virtue of a tax foreclosure sale conducted by the Sheriff of Smith County, pursuant to an order of the court in this case.

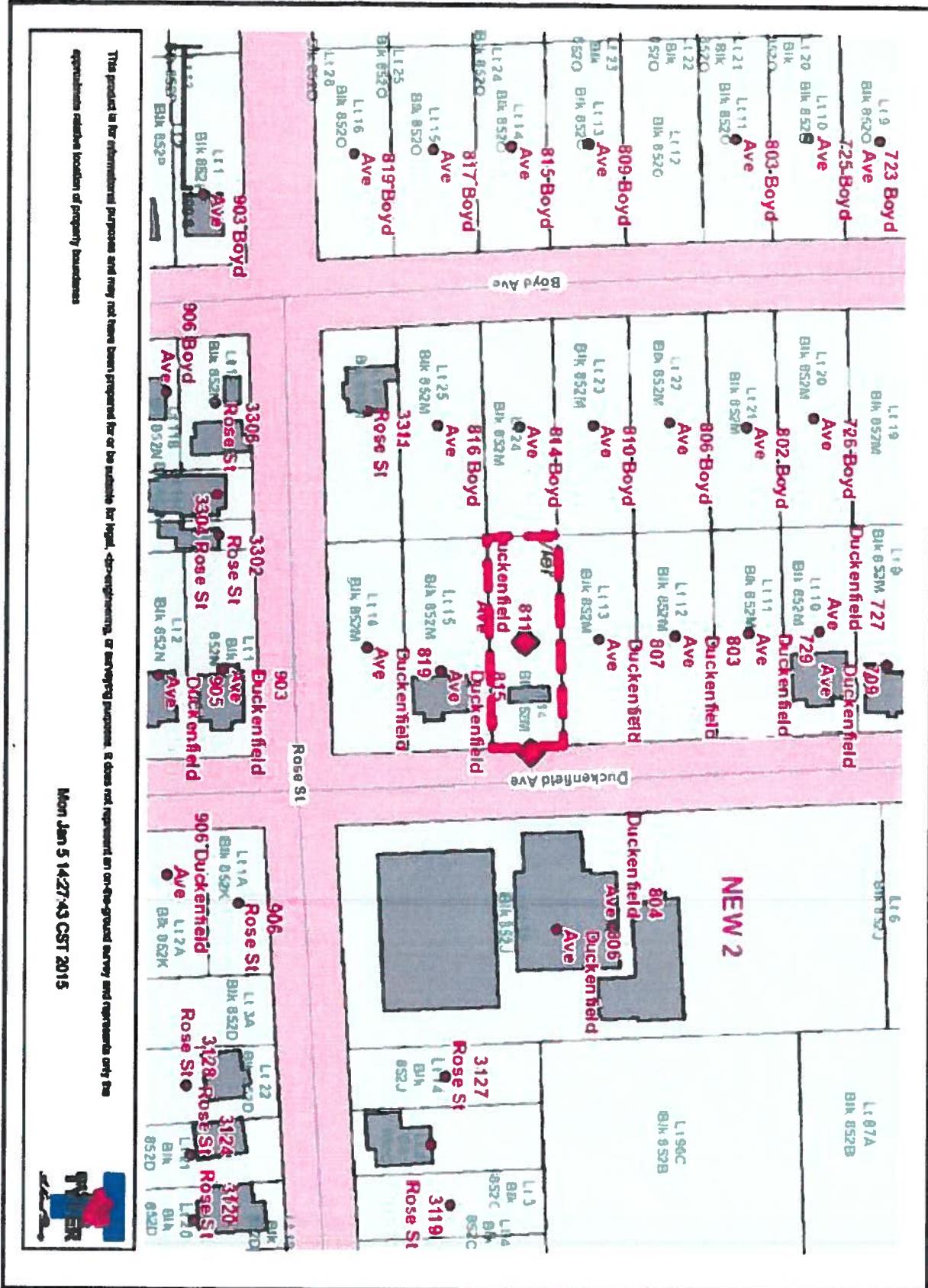
If you have any questions, please call. Your help in this matter is greatly appreciated.

Very truly yours,

Jim L. Lambeth  
Attorney at Law

JLL/csf  
Enclosures

cc:      Gary B. Barber Tax Assessor-Collector  
Smith County  
1517 W. Front Street  
Tyler, TX 75702  
**Cause No. 20,306-C, Smith County, et al vs Kager Jones, Est. P45**



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Mon Jan 5 14:27:43 CST 2015

THE STATE OF TEXAS

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RESALE DEED

COUNTY OF SMITH

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KNOW ALL MEN BY THESE PRESENTS that SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE each acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of ONE THOUSAND TWO HUNDRED, AND 00/100 (\$1,200.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by NEXTLOTS NOW LLC ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE, in the property herein conveyed, acquired by tax foreclosure sale heretofore held in Cause No.20,306-C styled State of Texas, Smith County, Et Al vs. Kager Jones Est. said property being described as:

**Lot 14, Block 6 (NCB 852-M), McCullar's Subdivision, Smith County Texas according to the map or plat records thereof, recorded in Volume 1, Page 295, Map Records of Smith County, Texas and being further identified on tax rolls and records of Smith County under account # 150000085213014000.**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

**TO HAVE AND TO HOLD** said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said NEXTLOTS NOW LLC, their heirs and assigns forever, so that neither SMITH COUNTY, TYLER INDEPENDENT SCHOOL DISTRICT, CITY OF TYLER and TYLER JUNIOR COLLEGE, and any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

**Grantee accepts the property in "AS IS" condition and subject to any environmental conditions that might have or still exist on said property.**

**Post judgment taxes and taxes for the current year are assumed by Grantee.**

IN TESTMONY WHEREOF CITY OF TYLER has causes these presents to be executed  
this 22<sup>nd</sup> day of JULY, 2015.

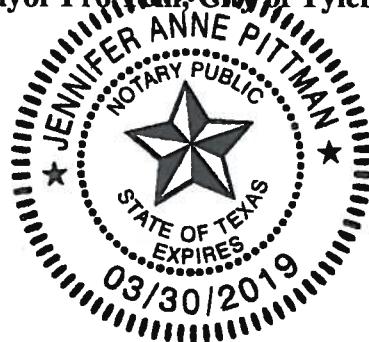
CITY OF TYLER

BY Edward Moore  
Edward Moore,  
Mayor Pro Tem, City of Tyler, Texas

STATE OF TEXAS §

COUNTY OF SMIT §

This instrument was acknowledged before me on this 26<sup>th</sup> day of August, 2015,  
by Edward Moore, Mayor Pro Tem, City of Tyler.



Jennifer A. Pittman  
Printed Name: Jennifer A. Pittman  
Notary Public, State of Texas  
My Commission Expires: 03-30-19