


MEMORANDUM

DATE: April 16, 2019

TO: Mayor White & City Council

VIA: Mercy Rushing, City Administrator

FROM: Cindy Karch, City Secretary 

SUBJECT: Tax Deed – Lot 12 & 13, Blk 59 Mineola Townsites, Wood County
(R 36038).
Council Meeting Agenda Item for April 22, 2019

Background Information:

This from the first set of trust properties sold through Texas Communities Group, LLC.

Four bids were received. Highest bid received was \$5,000 from Trinidad Benham Corporation. Property appraisal value is \$5,260.

Recommendation:

It is the recommendation of city staff that the council approve tax deed.

Final Disposition:

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.”

TAX DEED

STATE OF TEXAS §

§

COUNTY OF WOOD §

WHEREAS, by an Order of Sale issued out of the 402nd Judicial District Court of Wood County, Texas; in Cause No. T-3434 styled Mineola Independent School District, et al, vs. Bagsby, Fred, et al, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a judgment rendered in said cause on the 10th day of August, 2011, in favor of the Plaintiffs.

WHEREAS, in obedience to said Order of Sale, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of August, 2011 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff’s sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said judgment established therein, the title to said real property pursuant to said judgment and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said judgment adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the judgment in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00)**, said amount being the highest and best offer received from **Trinidad Benham Corporation, 3650 South Yosemite Street, Suite 300, P.O. Box 378007, Denver, CO 80237**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

Lot Twelve (12) & Thirteen (13), in Block Fifty-nine (59), of the Mineola Townsites, Wood County, Texas (R36038)

TO HAVE AND TO HOLD the above described property unto the named purchaser Trinidad Benham Corporation, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of judgment in the above referred tax suit to all taxing units which were a party of said suit and as fully and absolutely as the entities named below can convey the above described real property by virtue of said judgment and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM’S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN “AS IS, WHERE IS” TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE’S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR’S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR’S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

EXECUTED this ___ day of _____, 2019.

CITY OF MINEOLA

By: _____
Kevin White, Mayor

ATTEST:

This instrument was acknowledged before me on the _____ day of _____, _____, by Kevin White, Mayor, on behalf of CITY OF MINEOLA in its capacity therein stated.

Notary Public, State of Texas

WOOD COUNTY

By: _____
Lucy Hebron, County Judge

ATTEST:

County Clerk

This instrument was acknowledged before me on the _____ day of _____, _____, by
Lucy Hebron, County Judge, on behalf of WOOD COUNTY in its capacity therein stated.

Notary Public, State of Texas

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**MINEOLA INDEPENDENT SCHOOL DISTRICT**

By: \_\_\_\_\_  
Dr. John Abbott, Board President

ATTEST:

\_\_\_\_\_  
Board Secretary

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Dr. John Abbott, Board President, on behalf of MINEOLA INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

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**UPPER SABINE VALLEY SOLID WASTE
MANAGEMENT DISTRICT**

By: _____
Board President

ATTEST:

Board Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Board President, on behalf of Upper Sabine Valley Solid Waste Management District in its capacity therein stated.

Notary Public, State of Texas

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### Management Info:

Status: Trust

Best Process: Sign Best Process Type:  
Progress:

### Property Info:

City: Mineola  
Cad Property Id: 36038 CAD Value: 5,260.00  
Site Description: 412 FREEMAN MINEOLA, TX 75773

Owner Info: MINEOLA ISD, TRUSTEE  
Legal Description: Lot Twelve (12) & Thirteen (13), in Block Fifty-nine (59), of the Mineola Townsites, Wood County, Texas

Homestead: No Site Structure: No Non Affixed Material: No

### Litigation Info:

Case Number: T-3434  
Judgement Date: 08/10/2011 Sale Date: 04/03/2012  
Sheriff's Deed Date: 04/25/2012 Redemption Date: 11/01/2012  
Court: 402nd  
Style Plaintiff: Mineola Independent School District, et al  
Style Defendant: Bagsby, Fred, et al  
Sheriff's Deed Volume: 2012-00005037  
Tax Due: No  
Delinquent: Yes Litigation: No

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