

**RESOLUTION NO. R-2015-6**

**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. 23,213-A: \_BEING LOT 2, BLOCK 1, NCB 356, J.P.PATTERSON 2ND ADDITION TO THE CITY OF TYLER, ACCORDING TO THE PLAT OF SAID ADDITION OF RECORD IN VOLUME 39, PAGE 530, PLAT RECORDS OF SMITH COUNTY, TEXAS AND AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN VOLUME 1416, PAGE 659, ON INSTRUMENT FILED JUNE 22, 1972, AND IN ORDER ADMITTING WILL TO PROBATE AS MUNIMENT OF TITLE , RECORDED IN VOLUME 689, PAGE 171, ON INSTRUMENT FILED MARCH 5, 1996, DEED REC ORDS OF SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE SMITH COUNTY (Acct. 15000035600002000)** 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 25<sup>th</sup> day of February, 2015.

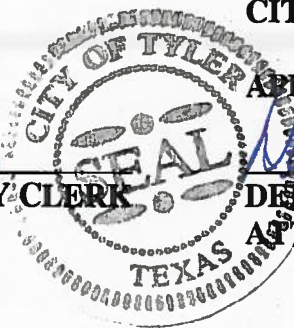
  
\_\_\_\_\_  
**MARTIN HEINES, MAYOR  
CITY OF TYLER, TEXAS**

**ATTEST:**

  
\_\_\_\_\_  
**CASSANDRA BRAGER, CITY CLERK**

**APPROVED:**

  
\_\_\_\_\_  
**DEBORAH G. PULLUM, CITY  
ATTORNEY**



**EXHIBIT "A" TO RESOLUTION R-2015-6**

**Cause No.**                    **23,213-A**

**Date of Tax Sale**        **July 3, 2012**

**Taxes Due:**                **\$4,290.73 Tyler ISD**  
                                     **\$828.08 Smith County**  
                                     **\$396.07 Tyler Junior College**  
                                     **\$674.29 City of Tyler**

**Adjudged Value**        **\$9,470.00**

**Acct. No.**                    **150000035600002000**

**Present Bid**                **\$4,790.00**

**Bidder**                        **David Rainwater**  
                                     **4121 Fillbrook Lane**  
                                     **Troup, Texas 75789**

***PROPERTY DESCRIPTION***

**BEING LOT 2, BLOCK 1, NCB 356, J.P.PATTERSON 2ND ADDITION TO THE CITY OF TYLER, ACCORDING TO THE PLAT OF SAID ADDITION OF RECORD IN VOLUME 39, PAGE 530, PLAT RECORDS OF SMITH COUNTY, TEXAS AND AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN VOLUME 1416, PAGE 659, ON INSTRUMENT FILED JUNE 22, 1972, AND IN ORDER ADMITTING WILL TO PROBATE AS MUNIMENT OF TITLE , RECORDED IN VOLUME 689, PAGE 171, ON INSTRUMENT FILED MARCH 5, 1996, DEED REC ORDS OF SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE SMITH COUNTY (ACCT. 150000035600002000)**

THE STATE OF TEXAS

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RESALE DEED

COUNTY OF SMITH

§

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 FOUR THOUSAND SEVEN HUNDRED NINETY, AND 00/100 (\$4,790.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by David Rainwater ("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.23,213-A styled State of Texas, Tyler Independent School District vs. Willie Mae Hallman Estate said property being described as:

**BEING LOT 2, BLOCK 1, NCB 356, J.P. PATTERSON 2ND ADDITION TO THE CITY OF TYLER, ACCORDING TO THE PLAT OF SAID ADDITION OF RECORD IN VOLUME 39, PAGE 530, PLAT RECORDS OF SMITH COUNTY, TEXAS, AND AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN VOLUME 1416, PAGE 659, ON INSTRUMENT FILED JUNE 22, 1972, AND IN ORDER ADMITTING WILL TO PROBATE AS MUNIMENT OF TITLE, RECORDED IN VOLUME 689, PAGE 171, ON INSTRUMENT FILED MARCH 5, 1996, DEED RECORDS OF SMITH COUNTY, TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS AND RECORDS OF TYLER INDEPENDENT SCHOOL DISTRICT UNDER ACCOUNT NUMBER 150000035600002000**

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 David Rainwater, 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 TESTIMONY WHEREOF CITY OF TYLER has caused these presents to be executed this 4  
day of March, 2015.

CITY OF TYLER

BY: [Signature]  
Martin Heines  
Mayor

STATE OF TEXAS

X

COUNTY OF SMITH

X

This instrument was acknowledged before me on this 4 day of March, 2015, by  
Martin Heines, Mayor, of CITY OF TYLER.

[Signature]  
Printed Name: Caroline J Sanchez  
Notary Public, State of Texas  
My Commission Expires: 12/23/17

