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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

May 1, 2015

Via Email

Mr. Jimmy Cox, Superintendent
Ms. Sandra Rodgers
Waskom Independent School District
P.O. Box 748
Waskom, Texas 75692

Re: Sale of Land

Dear Mr. Cox and Ms. Rodgers:

You explained that the Waskom Independent School District ("District") owns a 20-acre parcel of land that was once used as an agricultural farm to house show animals. The District now wishes to sell this property. You asked for the process to sell the property. It is my understanding that the property would be sold to the highest bidder, and that the District is not considering a transfer of the property to another government agency or charitable organization. This letter summarizes the process for selling District-owned real property under these conditions.

The property may be sold for its fair market value, under Texas Local Government Code § 272.001, and Board Policy CDB (Legal). The procedure for such a sale is as follows:

1. Once the Board determines that the real property is no longer needed for school purposes, they may pass a resolution authorizing the administration to advertise property for sale.
2. The District may obtain an appraisal if desired, and I cannot recommend this strongly enough. The District must obtain fair market value for the property, and legally an appraisal is conclusive proof of fair market value. An appraisal should be obtained and used as the minimum bid.
3. The District then must perform what is essentially a sealed bid process with these requirements:
 - a. a notice shall be published that includes a description and location of the land and the procedure by which sealed bids may be submitted; and
 - b. the notice must be published on two separate dates, and the sale cannot be completed any earlier than the 14th day after the date that the 2nd notice is published in the newspaper; and
 - c. the Board may also employ a licensed real estate broker for assistance in the sale of the property.

4. The Board may then pass a resolution which:
 - a. determines the highest and best bid; and
 - b. authorizes the District to enter into an earnest money contract with the highest and best bidder; and
 - c. authorizes the Superintendent, Board President, and others to sign the earnest money contract, deed conveying the property, and other documents necessary to close the transaction.
5. The District will enter into a contract with the winning bidder for the sale and purchase of the property.
A deed and other documents will be drafted for the sale of the property. The deed conveying the property must recite the Board resolution authorizing the sale.
6. The sale may then be completed according to the terms in the Earnest Money Contract. I recommend hiring a title company to handle closing and complete the sale.

I will be happy to provide you with the language for the Board resolutions, as well as the language for posting notice of the sale in the newspaper, the Earnest Money Contract, deed, and other documents you may need. Please let me know what the District's timeline is for this, so I can get you the documents you need in advance of your Board meetings.

We will need a legal description of the property to draft the resolutions and other documents. The legal description may include a "lot and block" description (such as Lot 1, Block 4, in the Waskom Heights subdivision) and/or a formal legal description (what is referred to as a "whences and thences" description). This description may be in property records that are currently in the District's possession, or they may be found in county property records. Alternatively, the appraiser should be able to provide you with a legal description as part of the appraisal.

I look forward to working with you to complete the sale of this property. If you have any further questions, please contact me.

Sincerely,



Christie Hobbs

c. Rhonda Crass