

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

Attorneys At Law
500 N SHORELINE BLVD STE 1111
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January 13, 2017

Dr. Samuel Bueno, Superintendent
San Diego Independent School District
609 Labbe Avenue
San Diego, Texas 78384

RE: Offer to purchase tax sale property
Suit No. DC-02-156; San Diego Independent School District and Duval County
vs. Liborio T. Cadena, et al
ACCT. NO. 11106000000620000; All that certain lot, tract or parcel of land out
of called Tract 6B in the San Leandro Grant, Abstract 491, described as 18.79
acres, more or less, in deed dated April 19, 1983, from Manuel Ruiz to Liborio T.
Cadena, recorded in Volume 274, Page 343, Deed Records of Duval County,
Texas; SAVE AND EXCEPT, the following tracts of land: A) that certain 12.45
acres, more or less, known as Cadena Subdivision, according to map or plat
thereof recorded in Envelope 83, Side 2, Plat Records of Duval County, Texas; B)
that certain .61 acre, more or less, being more particularly described in Volume
149, Page 754, Official Record of Duval County, Texas; and C) that certain .573
acre, more or less, being more particularly described in Volume 149, Page 764,
Official Records of Duval County, Texas, leaving herein a residue of 5.157 acres,
more or less.

Dear Dr. Bueno:

An offer has been made by Ruben R. Smithwick, 111 S. Tobin, San Diego, TX 78384 in the amount of \$12,000.00 for the purchase of a tax sale property owned in trust by the Duval County taxing authorities as a result of the property's failure to sell at tax sale on the courthouse steps for the entire amount of delinquent taxes and costs owed.

An analysis showing the amount of money each taxing entity would receive if the offer is accepted is attached, as is a copy of Ruben R. Smithwick's written offer. In order for the property to be sold for less than the entire amount of taxes and costs owed, the formal approval of the school district is required under Property Tax Code Section §34.05.

received
1/17/17

Please place this as an action item on the agenda of the School Board meeting to be held on Wednesday, January 25, 2017. A suggested wording of this item is as follows: "Consideration and approval of offer to purchase tax sale property."

Should you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Vasquez". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nancy Vasquez
Attorney at Law

NV/djm

Enclosure (offer, bid analysis and resolution authorizing resale)

cc: Roberto Elizondo
Tax Assessor-Collector, Duval County
PO Box 337
San Diego, TX 78384

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Tax Resale Property Offer Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Successful Purchasers will receive a Tax Resale Deed, which is without warranty. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting an offer. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting an offer.

All offers must be submitted on this form, to the law office of Linebarger Goggan Blair & Sampson, LLP at 500 North Shoreline Blvd., Suite 1111, Corpus Christi, Texas 78401. All offers will be subject to approval by the taxing entities that have an interest in the subject property. The bidders should be prepared to wait at least 90 days for approval. Upon approval, the successful bidder is required to pay the entire amount of the offer within 10 days to the Linebarger firm at the address shown above. If more than one offer is received for a particular property, the law firm may schedule a second auction among those parties who have submitted written offers.

The Law Firm or the Taxing Entities will not supply or pay for any closing costs, including, but not limited to: Owner Financing, Title Policy, Abstract of Title, Survey, Appraisal, Termite Certificate

I understand that the property is being sold in "as is" condition without Warranty. I further understand that I may be subject to penalty provisions of applicable Texas Law for failure to submit payment in accordance with the amount of bid.

Subject to the terms and conditions stated herein, I submit the following offer on the property described below:

Amount of Offer:

\$ 12,000

Suit Number:

DC 02-156

Line #: _____

Tax Account No.:

111060-000-0062

Legal Description:

Abst 491 to B & J

San Leandro Grant

Submitted by:

✓ John R. Smithwick

Address:

✓ 111 S Tobin

✓ SAN DIEGO TEX

Telephone Number(s):

✓ 279-3949

Signature:

✓ John R. Smithwick

Date Submitted:

✓ 12-6-16

(Please print all information clearly)

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ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. DC-02-156; San Diego Independent School District and Duval County vs. Liborio T. Cadena, et al

Legal Description: ACCT. NO. 1110600000620000; All that certain lot, tract or parcel of land out of called Tract 6B in the San Leandro Grant, Abstract 491, described as 18.79 acres, more or less, in deed dated April 19, 1983, from Manuel Ruiz to Liborio T. Cadena, recorded in Volume 274, Page 343, Deed Records of Duval County, Texas; SAVE AND EXCEPT, the following tracts of land: A) that certain 12.45 acres, more or less, known as Cadena Subdivision, according to map or plat thereof recorded in Envelope 83, Side 2, Plat Records of Duval County, Texas; B) that certain .61 acre, more or less, being more particularly described in Volume 149, Page 754, Official Record of Duval County, Texas; and C) that certain .573 acre, more or less, being more particularly described in Volume 149, Page 764, Official Records of Duval County, Texas, leaving herein a residue of 5.157 acres, more or less.

Bidder: Ruben R. Smithwick, 111 S. Tobin, San Diego, TX 78384

Date of Sale:	March 1, 2016
Amount Due All Entities:	\$11,379.68
Amount of Bid:	\$12,000.00
Cost of Sale:	\$2,193.00
Current Value:	\$8,770.00
% of Total Due:	88.41 %
% of Current Value:	136.83 %

Entity Name	Amount Due Each Entity	Amount You Will Receive
San Diego ISD	\$6,520.82	\$5,619.64
Duval County	\$4,820.92	\$4,154.67
Duval County Groundwater Conservation District	\$37.94	\$32.70

Property located on Tract 6-B, Castleberry Subdivision, Duval County, Texas

RESOLUTION AUTHORIZING TAX RESALE

WHEREAS, by Sheriff's Sale conducted on March 1, 2016, the property described below was struck-off to the Duval County, Trustee, pursuant to a delinquent tax foreclosure decree of the 229th Judicial District Court, Duval County, Texas, and

WHEREAS, the sum of \$12,000.00 has been tendered by Ruben R. Smithwick, 111 S. Tobin, San Diego, TX 78384, for the purchase of said property pursuant to Section §34.05, Texas Tax Code Ann. (Vernon, 1982), and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of San Diego Independent School District that its Board President, Carlos Espinosa, be and he is hereby authorized to execute a tax resale deed on behalf of the school conveying to Ruben R. Smithwick all of the right, title, and interest of the school, and all other taxing units interested in the tax foreclosure judgment in the following described real property located in Duval County, Texas

ACCT. NO. 1110600000620000; All that certain lot, tract or parcel of land out of called Tract 6B in the San Leandro Grant, Abstract 491, described as 18.79 acres, more or less, in deed dated April 19, 1983, from Manuel Ruiz to Liborio T. Cadena, recorded in Volume 274, Page 343, Deed Records of Duval County, Texas; SAVE AND EXCEPT, the following tracts of land: A) that certain 12.45 acres, more or less, known as Cadena Subdivision, according to map or plat thereof recorded in Envelope 83, Side 2, Plat Records of Duval County, Texas; B) that certain .61 acre, more or less, being more particularly described in Volume 149, Page 754, Official Record of Duval County, Texas; and C) that certain .573 acre, more or less, being more particularly described in Volume 149, Page 764, Official Records of Duval County, Texas, leaving herein a residue of 5.157 acres, more or less.

PASSED AND APPROVED this _____ day of _____, 2017.

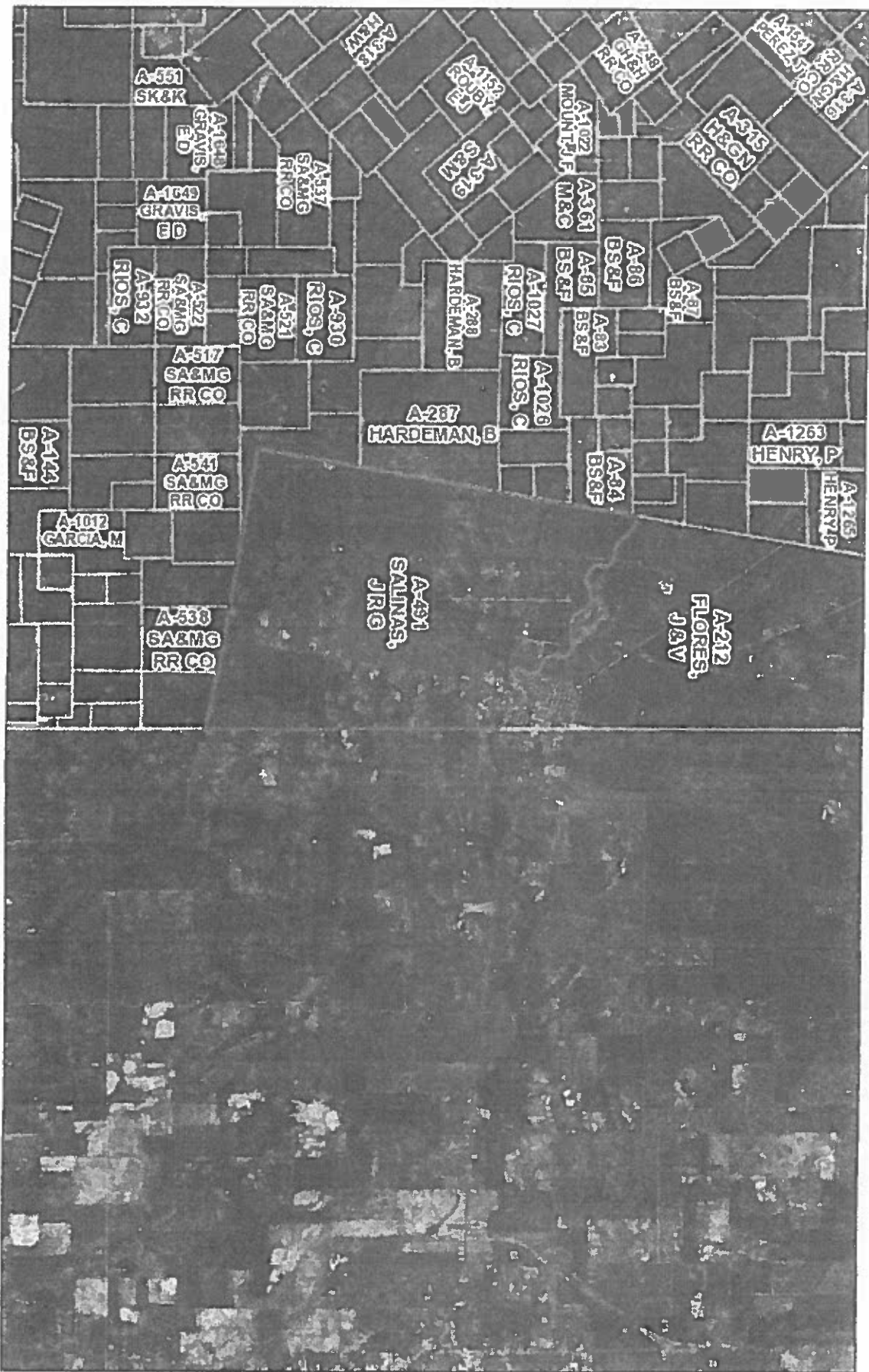
Carlos Espinosa, Board President

ATTEST:

Secretary to Board

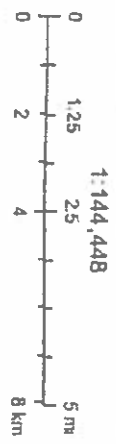
Suit No. DC-02-156; San Diego Independent School District and Duval County vs. Liborio T. Cadena, et al

Map Title



Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

January 5, 2017
 Abstracts



1:144,448

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Divis County Aerial Data & GIS Consulting - www.kearnsaerial.com