

LAW OFFICES  
**GAY, MCCALL, ISAACKS & ROBERTS, P.C.**  
A PROFESSIONAL CORPORATION

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♦ BOARD CERTIFIED -- CIVIL TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION  
+ ATTORNEY - MEDIATOR

March 3, 2016

Mr. Kenneth Lynn  
3452 Spur 399  
McKinney, TX 75069

Re: Offer from Robert Wakefiled to purchase  
203 E. Erwin Ave., McKinney, Texas

Dear Mr. Lynn:

Robert Wakefiled has offered to purchase 202 and 203 E. Erwin Ave., McKinney, Texas (BEING TRACT 44, BLOCK 3, OF THE WILLIAM DAVIS SURVEY, aka 203 E. ERWIN AVE., CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED VOL. 1252, PAGE 721 OF THE COLLIN COUNTY DEED RECORDS and BEING LOT 3, WEBB ADDITION, aka 202 E. ERWIN AVE. CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED VOL. 2288, PAGE 592 OF THE COLLIN COUNTY DEED RECORDS) and for \$35,000.00.

203 E. Erwin was sold at a Sheriff's Sale on September 3, 2006 pursuant to delinquent tax collection suit number 366-1994-02. 202 E. Erwin was sold at a Sheriff's Sale on February 5, 2008 pursuant to delinquent tax collection suit number 199-433-03. There were no bidders at either sale and the properties were struck off to the City for itself and on behalf of the other taxing jurisdictions.

203 E. Erwin's most recent value according to the Appraisal District is \$78,845.00 The property was struck off for the total judgment amount, \$77,140.10, which includes taxes, penalties and interest, costs of court and costs of sale. 202 E. Erwin's most recent value according to the Appraisal District is \$ 22,843.00 The property was struck off for the total judgment amount, \$24,081.73, which includes taxes, penalties and interest, costs of court and costs of sale. Pursuant to a Resolution from the McKinney Independent School District, a public auction of both properties was conducted by the Constable's office on March 2, 2010. The minimum bid for the sale was \$16,179.66, which was the combined total of all costs on the properties at that time. No bids were received and the sale was cancelled.

Pursuant to the Texas Property Tax Code, the costs of maintaining, preserving and safekeeping must be paid first out of the proceeds of a resale. After these expenses, the court costs and costs of sale must be paid, and then the remainder would be distributed to the taxing jurisdictions pro-rata. These costs, including securing and maintenance of the property, demolition of the improvements and post sale eviction expenses paid by Gay & McCall, total \$26,145.76. A breakdown of amounts each taxing entity will receive is enclosed.

If all taxing jurisdictions agree to accept \$35,000.00 for the property, the property may be sold for that amount. Each jurisdiction must execute the deed.

If your entity decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may complete the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink that reads "Erin Minett". The signature is written in a cursive style with a large, stylized initial "E".

Erin Minett

Enclosure

SPECIAL WARRANTY DEED

Date: \_\_\_\_\_, 2016

Grantor: MCKINNEY INDEPENDENT SCHOOL DISTRICT, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, and CITY OF MCKINNEY

Grantor's Mailing Address (including county):

P.O. Box 517  
McKinney, Texas 75070  
Collin County

Grantee: Robert Wakefiled

Grantee's Mailing Address (including county):

1105 Mallard Lakes Dr.,  
McKinney, TX 75070  
Collin County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

Property described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

4. Rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes.
14. Visible and apparent easements over or across subject property.
15. Rights of parties in possession.
16. Any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part hereof.
17. Any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors, or assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

The intent of this Special Warranty Deed is to transfer the property foreclosed on by the Grantor taxing jurisdictions in Cause Nos. 366-01994-02 in the 366<sup>th</sup> Judicial District Court, 199-00433-03 in the 199<sup>th</sup> Judicial District Court, and 380-00546-06 in the 380<sup>th</sup> Judicial District Court, Collin County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

McKINNEY INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

(Acknowledgment)

THE STATE OF TEXAS           §

COUNTY OF COLLIN           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of the McKinney Independent School District as the act and deed of said McKinney Independent School District.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name, (printed):

Notary's commission expires: \_\_\_\_\_

COLLIN COUNTY, TEXAS

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Collin County, Texas as the act and deed of said Collin County, Texas.

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

Notary's name, (printed):

Notary's commission expires: \_\_\_\_\_

COLLIN COUNTY COMMUNITY COLLEGE DISTRICT

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

(Acknowledgment)

THE STATE OF TEXAS           §

COUNTY OF COLLIN           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_,

\_\_\_\_\_ of the Collin County Community College District as the act and deed of said Collin County Community College District.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name, (printed):

Notary's commission expires: \_\_\_\_\_

CITY OF MCKINNEY

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

(Acknowledgment)

THE STATE OF TEXAS           §

COUNTY OF COLLIN           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_,

\_\_\_\_\_ of the City of McKinney as the act and deed of said City of McKinney.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name, (printed):

Notary's commission expires: \_\_\_\_\_

EXHIBIT A

TRACT 1:

BEING TRACT 44, BLOCK 3, OF THE WILLIAM DAVIS SURVEY, aka 203 E. ERWIN AVE., CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED IN VOL. 1252, PAGE 721 OF THE COLLIN COUNTY DEED RECORDS

TRACT 2:

BEING LOT 3, WEBB ADDITION, aka 202 E. ERWIN AVE. CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED IN VOL. 2288, PAGE 592 OF THE COLLIN COUNTY DEED RECORDS



Distribution of Proceeds

203 & 202 E. Erwin Ave., McKinney, Texas

R-6248-003-0440-1 & R-2163-000-0030-1

Cause nos.: 366-1994-02 & 199-433-03

Judgment date: April 8, 2003 & February 17, 2004

Sheriff's sale: September 3, 2006 & February 5, 2008

**R-6248-003-0440-1**

|                    |        |                    |
|--------------------|--------|--------------------|
| Taxes in Judgment: | MISD   | \$41,545.42        |
|                    | City   | 20,337.45          |
|                    | County | 7,835.19           |
|                    | CCCCD  | <u>3,170.04</u>    |
|                    | Total  | <u>\$72,888.10</u> |

|                            |                    |
|----------------------------|--------------------|
| Costs/Post Judgment Taxes: | <u>4,252.00</u>    |
| Minimum Bid at Sale:       | <u>\$77,140.10</u> |

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**R-2163-000-0030-1**

|                    |        |                    |
|--------------------|--------|--------------------|
| Taxes in Judgment: | MISD   | \$8,425.14         |
|                    | City   | 3,982.78           |
|                    | County | 1,365.84           |
|                    | CCCCD  | <u>531.63</u>      |
|                    | Total  | <u>\$14,305.39</u> |

|                           |                    |
|---------------------------|--------------------|
| Costs/Post Judgment Taxes | <u>9,776.34</u>    |
| Minimum Bid at Sale:      | <u>\$24,081.73</u> |

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Resale price: \$35,000.00

Settlement Costs:

|                                                                    |               |
|--------------------------------------------------------------------|---------------|
| Constable Fees                                                     | 11,242.86     |
| Publication Fee                                                    | 1,709.25      |
| Court Costs                                                        | 2,842.00      |
| McKinney ISD Maintaining, Safekeeping and Preserving Expenses:     | 474.23        |
| City of McKinney Maintaining, Safekeeping and Preserving Expenses: | 9,383.82      |
| Gay & McCall Maintaining, Safekeeping and Preserving Expenses:     | <u>493.60</u> |

Total Costs: 26,145.76

|                               |                   |
|-------------------------------|-------------------|
| Proceeds to be Distributed:   | <u>\$8,854.24</u> |
| Percentage of Judgment Taxes: | 10%               |

Distributed to Collin County Tax Assessor on Behalf of:

|        |                   |
|--------|-------------------|
| MISD   | \$5,319.21        |
| City   | 2,282.82          |
| County | 903.71            |
| CCCCD  | <u>348.50</u>     |
| Total  | <u>\$8,854.24</u> |