

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Tax Office

AGENDA DATE: April 4, 2017

CONTACT PERSON NAME AND PHONE NUMBER: Maria O. Pasillas, Tax Assessor/Collector, 212-1737

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: #6 Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

Approve an Ordinance authorizing the City Manager to execute a Redemption Deed Without Warranty conveying all right, title and interest in 0.837 ACRES, MORE OR LESS, BEING TRACT 52-D, TRACT 53-B, TRACT 54-D, AND TRACT 55-A, NELLIE D. MUNDY SURVEY 241, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 735, PAGE 1311, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS; MORE COMMONLY IDENTIFIED AS: 6391 DOMINGO ST. EL PASO, TX 79932; EL PASO CAD # 152402 to Elizabeth Royer. This Redemption Deed is granted and subject to Chapter 32 and Chapter 34 of the Texas Tax Code.

BACKGROUND / DISCUSSION:

The property was used by Elizabeth Royer as the residence homestead. The property was struck off to the City pursuant to a delinquent tax foreclosure decree on August 11, 2015 and it has not been resold. The City's deed was recorded on August 11, 2015.

Pursuant to Section 34.21(b) of the Texas Tax code, an owner having a right to redemption may redeem the property on or before the second anniversary of the date on which the deed to the taxing unit is filed for record by paying the taxing unit the lesser of the amount of the judgement against the property or the market value of the property as specified in the judgement, plus the amount of the fee for filing the taxing unit's deed and the amount spent by the taxing unit as cost on the property, if the property was judicially foreclosed and bid off to the taxing unit under Section 34.01(j). The owner paid the sum of \$92,078.41 and has met the requirements to redeem the property.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX REDEMPTION) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTY DESCRIBED AS 0.837 ACRES, MORE OR LESS, BEING TRACT 52-D, TRACT 53-B, TRACT 54-D, AND TRACT 55-A, NELLIE D. MUNDY SURVEY 241, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 735, PAGE 1311, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, TO ELIZABETH ROYER, IN ACCORDANCE WITH SECTION 34.21 OF THE TEXAS TAX CODE.

WHEREAS, by Sheriff's Sale conducted on August 4, 2015, the above described property was struck off to the City of El Paso, (the "City") Trustee, pursuant to a delinquent tax foreclosure decree of the 327th Judicial District Court, El Paso County, Texas; and

WHEREAS, on August 11, 2015, the City's deed to the property was filed for record; and

WHEREAS, pursuant to Section 34.21(b) of the Texas Tax Code, an owner having a right to redemption may redeem the property on or before the second anniversary of the date on which the deed to the taxing unit is filed for record by paying the taxing unit the lesser of the amount of the judgement against the property or the market value of the property as specified in the judgement, plus the amount of the fee for filing the taxing unit's deed and the amount spent by the taxing unit as cost on the property, if the property was judicially foreclosed and bid off to the taxing unit under Section 34.01(j); and

WHEREAS, the sum of NINETY TWO THOUSAND SEVENTY EIGHT and 41/100 Dollars (\$92,078.41) has been tendered by **Elizabeth Royer** of El Paso, Texas for the tax redemption of said property pursuant to Section 34.21(b), Texas Tax Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to execute a Quitclaim (Tax Redemption) Deed conveying to **Elizabeth Royer**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

0.837 acres, more or less, being tract 52-d, tract 53-b, tract 54-d, and tract 55-a, Nellie D. Mundy Survey 241, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 735, Page 1311, real property records of El Paso County, Texas

PASSED AND APPROVED THIS _____ day of _____, 2017.

(Signatures Begin on the Following Page)

ORDINANCE NO. _____

ORDINANCE NO. _____

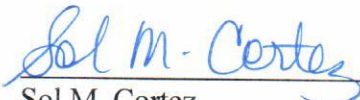
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
Tax Assessor-Collector

ORDINANCE NO. _____

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER

REDEMPTION DEED WITHOUT WARRANTY

Date: April _____, 2017

Grantor: City of El Paso, Trustee

Grantor's Mailing Address: 300 N. Campbell
El Paso, TX 79901

Grantee: Elizabeth Royer

Grantee's Mailing Address: 6391 Domingo St.
El Paso, TX 79932

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

0.837 ACRES, MORE OR LESS, BEING TRACT 52-D, TRACT 53-B, TRACT 54-D, AND TRACT 55-A, NELLIE D. MUNDY SURVEY 241, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 735, PAGE 1311, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS; MORE COMMONLY IDENTIFIED AS: 6391 DOMINGO ST. EL PASO, TX 79932; EL PASO CAD # 152402.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and all delinquent *ad valorem* property taxes, if any, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, effective August 4, 2015, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee
REDEMPTION DEED WITHOUT WARRANTY **PAGE 1**

is taking the Property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties.

This Redemption Deed is made under and subject to Chapter 32 and Chapter 34 of the Texas Tax Code. Specifically, as provided for by the Texas Tax Code, Grantee is hereby redeeming the above described Property subject to all liens in existence at the time of the judicial foreclosure sale. Furthermore, this Redemption Deed is made in full compliance with the Texas Supreme Court's decision in *UMLIC VP LLC v. T & M Sales and Environmental Systems, Inc.*, 176 S.W.3d 595, 606 (Tex. 2005) ("...redemption does not establish new title; it restores the parties to the position they were in before the lien.")

When the context requires, singular nouns and pronouns include the plural. This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

City of El Paso, Trustee

Tomás González
City Manager

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of April, 2017, by
_____.

Given under my hand and seal of office this _____ day of April, 2017.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

David B. Tabor, Esq.
Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expwy.
Fourth Floor
Dallas, TX 75231