

Filed in The District Court
of Travis County, Texas

FEB 09 2015

CAUSE NO. D-1-GN-14-002776

At 4:00 P.M. *cev*
Velva L. Price, District Clerk

TRAVIS COUNTY, ET AL.

V.

JOHN C. CANNON

§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICTJUDGMENT

ON FEBRUARY 09, 2015 the above entitled and numbered cause came on to be heard.

1. APPEARANCES

PLAINTIFFS ARE TRAVIS COUNTY, PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT, TRAVIS COUNTY HEALTHCARE DISTRICT D/B/A CENTRAL HEALTH, CITY OF PFLUGERVILLE AND TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 2, who appeared through their attorney of record and announced ready for trial. On Plaintiffs' motion, the Court dismissed from this suit any other taxing units not named here as intervening Plaintiffs.

DEFENDANT JOHN C. CANNON, if Alive, and if Deceased the unknown owners, assigns, successors, and heirs of the Estate of John C. Cannon, was duly served with citation by publication under TEX. R. CIV. P. 117a.5. ROBB SHEPHERD, attorney ad litem appointed by the Court to represent the Defendant under TEX. R. CIV. P. 244, filed an answer, appeared and announced ready for trial.

2. PROCEEDINGS

ALL PARTIES BEING PROPERLY BEFORE THE COURT AND NO JURY HAVING BEEN DEMANDED, the Court considered the pleadings and evidence, including certified copies of the delinquent tax records, and heard argument concerning this cause of action.

3. FINDINGS**THE COURT FINDS:**

1. Plaintiffs are legally constituted and authorized to impose and collect ad valorem taxes on the subject property and are granted statutory liens against the property to secure tax assessments and levies.
2. The following described property is located within the boundaries of Plaintiffs and is taxable by Plaintiffs:

| | |
|--------------------|---|
| Parcel No. | 02-7438-0862-0000 |
| Billing No. | 831395 |
| Location | Lincoln Ave. |
| Legal Description: | Lots 3 and 4, Block E, Colored Addition to Pflugerville, Plat No. 2/204 as described in Volume 258, Page 656 of the Deed Records of Travis County, Texas. |

3. Defendant(s) was/were the owner of record of the property, or was/were claiming some right, title, or interest thereto on January 1 of the year(s) for which the taxes were imposed; at the time of the institution of this suit; and/or at this time.
4. Taxes are delinquent, due and owing to Plaintiffs against the property for the tax year(s) 2008-2014.
5. Penalties and interest have accrued by law and are due and owing on the date of trial.
6. Plaintiffs are entitled to recover attorney fees, costs and expenses incurred in this suit in accordance with TEXAS TAX CODE §33.48.
7. The amount of taxes, penalties and interest, attorney fees, and costs and expenses that are due and owing as of FEBRUARY 09, 2015, is as follows:

| BASE TAX | PENALTY & INTEREST | ATTORNEY FEE | COSTS & EXPENSES | (HELD IN ESCROW | TOTAL DUE |
|------------|-----------------------|-----------------|---------------------|--------------------|------------|
| \$3,750.90 | \$1,787.46 | \$830.74 | \$905.00 | (\$0.00) | \$7,274.10 |

8. Attorney ad litem fees in the amount of \$ 55,383.60 400.00 are reasonable and are awarded to Robb Shepherd.
9. The market value of the property on the date of trial is \$19,575.00.
10. Defendant(s) is/are not currently on Active Military Duty in the United States armed forces, as provided by the Service Member's Civil Relief Act of 2003.

4. ORDERS

IT IS HEREBY ORDERED THAT PLAINTIFFS RECOVER PERSONALLY FROM DEFENDANT(S) JOHN C. CANNON the sum of the amounts found to be due and owing; interest at the rate prescribed by the Texas Tax Code from the date of judgment until paid; all court costs and fees which may be incurred hereinafter in the collection of this judgment, if the same be necessary; and expenses of foreclosure sale. The Clerk shall issue all execution and other process necessary to enforce this judgment.

IT IS FURTHER ORDERED that the following named Defendant(s) NONE is/are not personally liable for the sum of the amounts found by the Court to be due and owing, but that this Judgment is entered IN REM ONLY against said Defendant(s).

IT IS FURTHER ORDERED that a statutory lien exists against the property for the total sums awarded in this Judgment. The tax lien is prior and superior to all claims, rights, title, interest or liens asserted by any of the parties defendant. Plaintiffs' liens against the property are foreclosed as against the Defendant(s) or any person claiming under the Defendant(s) by any right acquired pending this suit.

IT IS FURTHER ORDERED that an Order of Sale be issued by the Clerk directed to the Sheriff of Travis County, commanding such officer to seize, levy upon, and advertise the sale of each of the properties, and sell the same to the highest bidder for cash, as under execution, provided that none of the property shall be sold to any party, other than a taxing unit which is a party to this suit, for less than the amount of the market value of the property (as found by the Court) or the aggregate amount of the Judgments against the property in this suit, whichever is lower.

The owner of the property subject to sale may file with the officer charged with the sale a written request that the property be divided and that only as many portions be sold as necessary to pay the amount due against the property. In the request the owner shall describe the desired portions and shall specify the order in which the portions should be sold. The owner may not specify more than four portions or a portion that divides a building or other contiguous improvement. The request must be delivered to the officer not later than the seventh day before the date of the sale.

If the property is sold to any person other than a taxing unit which is a party to this suit, the proceeds of the sale shall be applied to all costs of advertising the tax sale and all original court costs payable to the clerk of the court; all fees and commissions payable to the officer conducting the sale; taxes, penalties, and interest that are due under the Judgment; and any other amounts awarded to Plaintiffs under the Judgment. The officer conducting the sale shall pay any excess proceeds after payment of all amounts due all participants in the sale as specified above to the Clerk of the Court issuing the Order of Sale, who shall maintain and dispose of such excess proceeds in accordance with the provisions of Texas Tax Code §§34.03 and 34.04.

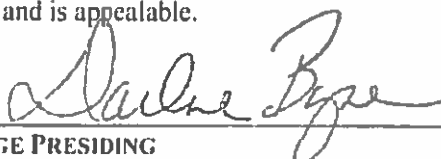
The officer executing the Order of Sale shall make proper conveyance to the purchaser or purchasers of said property, as prescribed by law, subject to the right of redemption of the owners of said property or their heirs, assigns, or legal representatives.

The owners of said property or their heirs, assigns, or legal representatives may redeem the property in the time and manner prescribed by Texas Tax Code §34.21.

A writ of possession shall be issued to the purchaser at the foreclosure sale, or his assigns, by the Clerk of the Court no sooner than twenty days after the date on which the purchaser's deed from the sheriff or constable is filed of record. Any and all other writs of execution and any process necessary for the enforcement of this Judgment shall issue. The Sheriff or other proper officer shall place the purchaser or purchasers, or their heirs, assigns, executors, or administrators, in possession of the property purchased in accordance with State law.

THIS JUDGMENT finally disposes of all parties and all claims and is appealable.

SIGNED: February 9, 2015.


JUDGE PRESIDING

MASTER'S REPORT

On this date the above-entitled and numbered cause came on to be heard by the duly appointed Master. After considering the evidence and argument of counsel, the Master makes the foregoing findings and recommends the foregoing orders be approved and become the orders of the Court. The Master has announced these findings and recommendations in open court and has noted the findings and recommendations on the docket sheet of this case. All parties have been notified of the right to appeal to a District Court (for a trial de novo) pursuant to Section 33.71 et seq. of the Texas Tax Code.

SIGNED: FEB 9, 2015.

James L. Arth
MASTER FOR THE DISTRICT COURTS OF
TRAVIS COUNTY, TEXAS

APPROVED AS TO FORM AND CONTENT:

DAVID A. ESCAMILLA
TRAVIS COUNTY ATTORNEY

By: Craig Smith
J. ELLIOTT BECK State Bar # 02008300
CRAIG SMITH State Bar # 18553300
KAY D. BROCK State Bar # 11625100
ASSISTANT TRAVIS COUNTY ATTORNEY
P.O. Box 1748 Austin, Texas 78767
Phone: (512) 854-9513 Fax: (512) 854-4808
ATTORNEY FOR PLAINTIFFS

APPROVED AS TO FORM:

Robb Shepherd
ROBB SHEPHERD
State Bar # 18221900
P. O. Box 2526
Austin, Texas 78768
Phone: (512) 264-5100
Fax: (512) 275-6364