

115

**SUIT NO. 94-39TX**

UPSHUR COUNTY	X	IN THE DISTRICT COURT
VS.	X	115 <sup>TH</sup> JUDICIAL DISTRICT
DOSSIE L. ROBERTSON, ET AL	X	UPSHUR COUNTY, TEXAS

**J U D G M E N T**

**BE IT REMEMBERED** that on the 6th day of March, 2000, came on to be heard in regular order the above numbered and entitled cause wherein Upshur County is the Plaintiff(s);

and wherein the defendant(s) are Dossie L. Robertson, Jesse Robertson, John Robertson, Jr., Naomi Hayes, Aida Hall, Troy Robertson, Carolyn McCullums, Dorothy Jo Davis Waggoner, Roxanna Robertson, Ruthie Lee Lamb, Mattie Lou Jones, Michael Weatherall, Anna Lorena, Oren Elder, Edna Warrior, who were duly served with process as required by law, but wholly failed to appear or answer, and wholly made default;

and wherein the defendant(s) are Letha Mae Robertson, Melvin Thomas Robertson, Jr., Melvin Thomas Robertson, III; Betty Robertson, Etta Johnson, Katie Culberson, Winifred Jean Jackson, Letha Mae Barrett, Johnny Mae Johnson, who were duly served with process as required by law, and who answered herein pro se and who were duly notified of this setting;

and wherein the defendant(s) are Neechie Robertson, AKA Neche Robertson; Jessey Robertson, Indian Girl (name unknown), Peggy Brinkley Robertson, Rosie Robertson, Gustena Robertson, Anna Robertson, Willie Robertson, Rena Wesley Robertson, Sarah Jane Robertson Young, Eugene Young, Aquilla Robertson, Mary "May" Robertson Long, Armster Long, Sammie Robertson, George Robertson, Willie Robertson, Veasley Robertson, Etherel Robertson, Jessie Udell Robertson, Geraldine Robertson, Walter Robertson, Mary Lee Robertson, Willie Ray Robertson, Ella Mae Robertson, Will Robertson, Troy Lee (last name unknown), John Robertson, Arthur Robertson, Ann Robertson, Nathaniel Robertson, Charlotte Robertson, Warren Robertson, Shirley Robertson, Bernard Robertson, Bobbie Joe Robertson, Dorthy Jo Robertson, Grace Bolden Robertson, Hugh Robertson, Ruby Robertson, Fred Robertson, Dorthy Harris Robertson, Harry (last name unknown), Caroline McCullough, Cole Robertson, Lee Robertson, Willy Ray Robertson, Cathy Robertson, Reginald Robertson, Janice Robertson, Sharon Robertson, Nathan Lewis Robertson, Annie Robertson, Mary Lou Robertson, Eva Jones, Lona Robertson, Fife Robertson, Mary Robertson, Sarah Jane Robertson, AKA Sarie Jane Robertson, J. R. Robertson, Marlen Robertson, Merlin Robertson, Elridge Robertson, M. L. Robertson, Jr., Barry Robertson, Charlie Robertson, Emma Jones, Lyn D. Robertson, Jimmie Lee Robertson, Ollie Lee Robertson, Alma Bryant, Melvin Thomas, Nobie Mable Weatherall, Decibelle Robertson, if living, and if any or all of the said named defendant(s) be



2/5

dead, the unknown heirs of each or all of the said named persons who may be dead; and the unknown heirs of the unknown heirs of the said named persons; and the unknown owner or owners of the described property; and the executors, administrators, guardians, legal representatives, legatees, devisees of the said named persons, and who own or claim some interest in the below described property and any and all other persons, including adverse claimants, owning or having any legal or equitable interest in or lien upon the below described property, who were duly served as required by law by means of citation by posting;

and wherein the defendants are **Rayfield Robertson, Lottie Douglas and Leroy Robertson Jr.** who appeared herein by filing a disclaimer of interest in the property which is subject matter of this suit;

and the Court having appointed **Mike Martin**, a licensed attorney, as attorney to represent all of the Defendant(s) named above who were served with process by means of citation by posting, and said attorney ad litem having answered on behalf of all such Defendant(s) who were cited by posting, this cause came on for trial;

and Plaintiff(s) having moved the Court to dismiss from this suit any parties not named above, it was so ordered; and to those Defendant(s) named above who were served with process but failed to appear and answer and made default, and a jury being waived, the parties submitted all matters of controversy, both of fact and of law, to the Court without the intervention of a jury, and evidence was submitted concerning the ownership and title of the property described below and the tax records of Plaintiff(s) were introduced in evidence, and evidence was submitted as to the value of the described property; and the Court, having heard the pleadings, the evidence, and argument of counsel, is of the opinion and finds as follows:

The above named Defendant(s) who were served with citation or otherwise appeared in this cause, were the owner(s) of record of the below described land or were claiming some right, title, or interest thereto at the time of the institution of this suit and at this time. The property was located within the boundaries of Plaintiff(s), upon the dates when the taxes were assessed. There are taxes, penalties, interest, and costs due, owing, and unpaid to Plaintiff(s) in the amounts set out below upon the described land. The taxes, penalties, interest, and costs constitute a separate, valid, and subsisting lien in favor of Plaintiff(s) on each tract of land described which lien is prior and superior to all claims, right, title, interest, or liens asserted by any of the Defendant(s).

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that there is due, owing, and unpaid to Plaintiff(s) the following amounts of delinquent taxes, accrued penalties, interest, attorney fees and costs for all delinquent years upon the following described property as set out below, together with additional penalties and interest at the rates prescribed by Subchapters A and C of Chapter 33, Property Tax Code, which accrue hereafter on all of said taxes from date of judgment until paid.

#### PROPERTY AND AMOUNTS OWED



3/5

94.38 acres, more or less, out of the William Brittain Headright Survey, Abstract 95, being the residue of a 100 acre tract, said 100 acres, being more particularly described in Volume 351, Page 269, **SAVE AND EXCEPT**, 0.7162 acres, more or less, being more particularly described in Volume 372, Page 338, Deed Records of Upshur County, Texas (Acct. # R51917, Ore City Independent School District, Upshur County Fire District #1 & Upshur County)

Adjudged Value: \$76,546.00

Upshur County \$26,787.31

**TOTAL DUE:** \$26,787.31

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All of the foregoing property being located in Upshur County, Texas, and all volume and page references, unless otherwise indicated, being to the Deed Records of Upshur County, to which instruments reference is here made for a more complete description of each respective tract.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff(s) recover(s) judgment for all sums set out above, together with all costs of suit and sale now or hereafter incurred, including abstractor's fees incurred in securing data and information as to the name, identity, and location of necessary parties and legal description of the above described property, in the total amount of **\$161.63**; provided, however, that no personal money judgment is granted against any Defendant named herein unless otherwise provided below. The proceeds of any foreclosure sale in this cause shall be applied first to the payment of all accrued costs of suit and sale, and any residue shall be distributed as provided by law.

AND, IT IS FURTHER ORDERED, ADJUDGED, and DECREED that a lien exists against each of the lots, tracts, or parcels of land, for the amount of the taxes, interest, penalties, abstractor's fees and costs of court found to be due on each particular lot, tract, or parcel of land, which lien is prior and superior to all claims, right, title, interest, or liens asserted by any Defendant(s), and that Plaintiff(s) have foreclosure of their liens on each of the lots, tracts, or parcels of land as against the Defendant(s) or any person claiming under the Defendant(s) by any right acquired during the pendency of this suit; that an order of sale be issued by the Clerk directed to the Sheriff or any Constable of this County, commanding such officer to seize, levy upon, and advertise the sale of each of the tracts of land, and sell them to the highest bidder for cash, as under execution, such order to have all the force and effect of a writ of possession as between the parties to this suit and any person claiming under the defendant(s) by any right acquired pending this suit, and such order of sale to further provide that the property may be sold to a taxing unit that is a party to this suit or to any other person, other than a person owning an interest in the property or any party to this suit that is not a taxing unit, for the adjudged value of the property or the aggregate amount of the judgments against the property, whichever is less. The order of sale shall also specify that the property may not be sold to a person owning an interest in the property or to a person who is a party to the suit other than a taxing unit unless: (1) that person is the highest bidder at the tax sale, and (2) the amount bid by that person is equal to or greater than the aggregate amount of the judgments against the property, including all costs of

4/5

suit and sale. The adjudged value, or reasonable fair value, of the property as set by this Court is as shown above, and, if no amount is shown, the Court did not fix such adjudged value, but if the Defendant(s) shall, at any time before the sale, file a written request with the officer in whose hands the order of sale is placed, that the property described therein be divided and sold, then the officer shall sell the land in such subdivisions as the Defendant(s) may request and, in such case, shall only sell as many subdivisions as necessary to satisfy this judgment, interest and costs; the net proceeds of any sale of such property made hereunder to any purchaser other than a taxing unit who is a party to this suit shall be applied to satisfy the judgment and liens foreclosed herein, but any excess in the proceeds of sale over the amount of judgment, the costs of suit and sale and other expenses chargeable against the property, shall be paid into the registry of the court and disbursed therefrom as provided by law; that the owner of such property, or anyone having an interest therein, or their heirs, assigns, or legal representatives, may redeem such property in the time and manner prescribed by law; that the officer executing the order of sale shall make proper conveyance to the purchaser(s) of the land, as prescribed by law, subject to such right of redemption, and shall proceed to place the purchaser(s) of said land in possession thereof within thirty days after to day of sale; and that the clerk of this Court issue a Writ of Possession to the purchaser at the sale or to the purchaser's assigns no sooner than 20 days following the date on which the purchaser's deed from the officer making the sale is filed of record.

Mike Martin, appointed to act as attorney ad litem for Defendant(s) cited by posting, is hereby allowed the sum of \$ 750.00 as attorney's fees, such sum to be taxed as court costs herein.

All relief prayed for in any of the pleadings in this cause which is not specifically granted by this judgment is hereby denied.

Signed, approved, and ordered filed and recorded this \_\_\_\_\_ day of \_\_\_\_\_  
2000.

  
Judge Presiding

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BY D. Beatty  
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DOSSIE L. ROBERTSON, ET AL	X	UPSHUR COUNTY, TEXAS

ORDER APPROVING FEE FOR ATTORNEY AD LITEM

On this day it appearing to the Court that **Mike Martin**, heretofore appointed by the Court on the 15th day of November, 1999, as attorney ad litem in the above numbered and entitled cause, is entitled to a fee of \$ 750.00, an amount reasonable and necessary in said attorney's representation of the defendant(s) in this cause, it is hereby **ORDERED** that said fee be and is hereby approved, such fees to be taxed as costs of court herein, chargeable to the defendant(s) and recoverable from the proceeds of any foreclosure sale hereafter held in this cause.

Signed this 6 day of March 2000.

  
Judge Presiding

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