

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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Immediate Release
March 26, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, April 24, 2013, before the following panel of justices: Chief Justice Catherine Stone, Justice Marialyn Barnard and Justice Luz Elena D. Chapa to hear Case 04-12-00144-CV, *Katherine Elizabeth Williams v. The State of Texas* at 9:30 a.m. Justice Karen Angelini, Justice Sandee Bryan Marion and Justice Patricia O. Alvarez to hear Case 04-12-00099-CV, *In the Interest of M.J.M. and H.J.M., Children* at 10:30 a.m.

The following cases will be presented:

09:30 am: *Katherine Elizabeth Williams v. The State of Texas* – This appeal arises from a land dispute that concerns Katherine Williams who owned two adjacent parcels of property in Guadalupe County. As part of building State Highway 130, the State of Texas offered to purchase her land. The parties entered into an agreement for the state to take immediate possession of her land. After a Special Commissioner’s Hearing, Williams was awarded \$495,000. The State objected to the award, and converted the condemnation from an administrative proceeding to a civil case. The jury found the value of her land to be \$250,000, and a deficiency judgment was entered against Williams for \$245,000—the difference between the Special Commissioner’s award and the jury verdict.

On appeal Williams contends:

1. The court erred in not excluding or striking the testimony of the State’s appraisal witness, and then failing to grant her motion for judgment, notwithstanding the verdict;
2. The court erred in not severing the proceeding into two trials, one for each tract, and not submitting the value questions separately;
3. The court improperly entered a deficiency judgment against her because the pleadings did not support the entry of the deficiency judgment and improperly considered post-verdict evidence in assessing the judgment;

