

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
November 4, 2011

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, November 8, 2011, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Rebecca Simmons.

The following case will be presented:

Nelson's Legal Investigating & Consulting and Chris Nelson v. David Myrick – This appeal arises from a judgment entered after this court reversed a prior judgment and remanded the cause to the trial court for further proceedings. In this appeal, Nelson's Legal Investigating & Consulting and Chris Nelson challenge the trial court's award of attorney's fees in David Myrick's favor on remand asserting: (1) Myrick is not entitled to recover attorney's fees for a trespass-to-try title claim or a claim to quiet title or remove a cloud on title; (2) Myrick waived his claim for attorney's fees by not presenting evidence to support such an award before the first appeal of the judgment in Nelson's favor; (3) Myrick is not entitled to recover attorney's fees because he did not attack the trial court's failure to award attorney's fees in his favor in the first appeal; (4) Myrick failed to segregate the attorney's fees; and (5) Myrick is not entitled to recover attorney's fees under any other claim.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, November 10, 2011, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Phylis J. Speedlin, and Justice Marialyn Barnard.

The following case will be presented:

In the Estate of Edward W. Melchior, Deceased – This appeal arises out of the probate court's order granting summary judgment based on the statute of limitations. The appeal raises challenges to the probate court's determination that a March 3, 2004 order, which disposed of issues relating to ownership and disbursement of certain funds, was a final order that began the limitations period.

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The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves
Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.