

Court Advisory

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



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
April 14, 2016

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, April 19, 2016, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Patricia O. Alvarez.

The following cases will be presented:

Mountain Laurel Minerals, LLC and Toni Combest v. Mustang Minerals – The following two issues are presented in this appeal: (1) whether the trial court correctly interpreted a warranty deed as it relates to oil, gas, and mineral interests in the property; and (2) whether a foreign entity that is doing business in Texas but has not registered with the Texas Secretary of State is entitled to receive a take-nothing judgment in its favor in a trespass-to-try title suit.

Bret Radcliffe, Robert Radcliffe, and Mamba Minerals, LLC v. Tidal Petroleum – Appellants Brett Radcliffe, Robert Radcliffe, and Mamba Minerals, LLC, sued appellee Tidal Petroleum, Inc. for trespass to try title, bad faith trespass, and other intentional torts. Appellants allege they are successors-in-interest to the mineral interest the Radcliffes' grandmother Emma reserved in a 1945 deed to Tidal's predecessor-in-interest. Appellants argue the evidence shows how Emma's mineral interest passed to them. Tidal contends there is a gap in the chain of title.

Both sides moved for summary judgment; the trial court held a hearing but did not contemporaneously rule on the motions. Before the trial court signed an order, Appellants moved for reconsideration and submitted a copy of Emma's will. In its order, the trial court sustained Tidal's objection to admitting Emma's will and granted Tidal's summary judgment motion.

On appeal, Appellants raise two issues: (1) Tidal was not entitled to summary judgment because the evidence, at a minimum, raised a fact question as to ownership of the disputed interest, and (2) the trial court abused its discretion in refusing to consider Emma's will as part of the summary judgment evidence.

Court Advisory

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



┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌ ┌

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, April 19, 2016, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Patricia O. Alvarez.

The following case will be presented:

Miguel Araujo v. Yolanda Araujo - This is an appeal from a qualified domestic relations order (“QDRO”) signed by the trial court fifty-nine days after the trial court signed an agreed divorce decree. Appellant, Miguel Araujo, asserts the trial court lacked jurisdiction to enter the QDRO because the trial court’s plenary power over the divorce case expired prior to entry of the QDRO.

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, April 20, 2016, beginning at 9:00 a.m., before the following panel of justices: Justice Marialyn Barnard, Justice Rebeca C. Martinez, and Justice Jason Pulliam.

The following cases will be presented:

R. Kinnan Goleman and Jacqueline B. Goleman v. Texas Workforce Commission and Juan Sugundo – This appeal concerns a challenge to a Texas Workforce Commission decision ruling that an employee was entitled to unemployment benefits and that his former employer would be subject to chargeback for those benefits.

City of Helotes v. Continental Homes of Texas, LP - This suit arises from Continental Homes Inc.’s complaint of the City of Helotes’s enforcement of its municipal building regulations within an area the City purported to be its extraterritorial jurisdiction (“ETJ”). Continental Homes filed suit against the City seeking declaration that two city ordinances are invalid and seeking to enjoin the City from requiring and collecting fees for building permits and inspections on development within the expanded ETJ. This is an appeal from the trial court’s order and final judgment granting Continental Homes’s motions for summary judgment on its requested declaratory and injunctive relief.

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