

COURT OF APPEALS OF TEXAS, SIXTH DISTRICT AT TEXARKANA

Richard Parker v. JoAnn Parker Neal

No. 06-14-00099-CV, Court of Appeals of Texas, Sixth District at Texarkana (July 16, 2015)

SUMMARY

This document is an agreed motion requesting that the Sixth Court of Appeals of Texas issue its mandate following affirmance of a trial court judgment invalidating a 2006 will. The parties state that they wish to return to the trial court to proceed with probate of the decedent's 2003 will and agree to issuance of the mandate under Texas Rule of Appellate Procedure 18.1(c).

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth District at Texarkana
JURISDICTION	Texas
DECIDED	July 16, 2015
DOCKET	06-14-00099-CV
DISPOSITION	other
PROCEDURAL POSTURE	Agreed motion by the parties to issue the appellate mandate at the earliest convenience after the court affirmed the trial court's judgment concerning the validity of Nobie Parker's 2006 will.
PRECEDENTIAL VALUE	Not determinable from the supplied motion; the document is an agreed motion rather than a merits opinion.
PARTIES	Richard Parker v. JoAnn Parker Neal

TOPICS

appellate procedure probate procedure probate estate administration

PRACTICE AREAS

Appellate procedure Probate

QUESTIONS PRESENTED

1. Whether the appellate mandate should issue at the parties' agreed request after issuance of the court's opinion and judgment.

FACTUAL BACKGROUND

Nobie Parker's 2006 will named Richard Parker as her only beneficiary. Her 2003 will divided her estate equally among her children, including Richard Parker and JoAnn Parker Neal. After the appellate court affirmed the determination that the 2006 will was invalid, the parties sought issuance of the mandate so probate proceedings concerning the 2003 will could proceed in the trial court.

PROCEDURAL HISTORY

The Sixth Court of Appeals issued its opinion and judgment on June 30, 2015, affirming the trial court's judgment that Nobie Parker's 2006 will was invalid. The parties then filed this agreed motion so they could return to the trial court regarding probate of Parker's 2003 will.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion requests issuance of the mandate so the parties may return to the trial court regarding probate of the 2003 will; the supplied text does not include an order ruling on the motion.

OPINION

PER CURIAM.

ACCEPTED 06-14-00099-CV SIXTH COURT OF APPEALS TEXARKANA, TEXAS 7/16/2015
10:12:22 AM DEBBIE AUTREY CLERK No. 06-14-00099-CV IN THE COURT OF APPEALS
FILED IN 6th COURT OF APPEALS FOR THE SIXTH DISTRICT OF TEXAS AT
TEXARKANA TEXARKANA, TEXAS

7/16/2015

10:12:22 AM RICHARD PARKER DEBBIE AUTREY Clerk Appellant v. JOANN PARKER
NEAL Appellee On Appeal from the 276th District Court of Camp County Robert Rolston, Judge
Presiding AGREED MOTION TO ISSUE MANDATE On June 30, 2015, this Court issued its
opinion and judgment in this case, affirming the trial court’s judgment which determined that
Nobie Parker’s 2006 will (which named Appellant Richard Parker as the only beneficiary) was
invalid.

See Opinion at p. 1. As noted in the Court’s opinion, Nobie’s 2003 will divided her estate equally
among her children, including Appellant Richard Parker and Appellee JoAnn Parker Neal. See
Opinion at p. 1 n.1. Now that the Court has issued its opinion regarding the 2006 will, Richard and
AGREED MOTION TO ISSUE MANDATE Page 1 JoAnn are ready to return to the trial court
regarding probate of the 2003 will.

As such, pursuant to Texas Rule of Appellate Procedure 18.1(c), Richard and JoAnn agree to
issuance of the mandate at the Court’s earliest convenience. WHEREFORE, PREMISES

CONSIDERED, Appellee JoAnn Parker Neal prays that this Court enter an order granting her Agreed Motion for Issuance of Mandate and that the Court issue its mandate at the Court's earliest convenience.

Respectfully submitted, /s/ Chad M. Ruback Chad M. Ruback State Bar No. 90001244 The Ruback Law Firm 8117 Preston Road Suite 300 Dallas, Texas 75225 (214) 522-4243 (214) 522-2191 facsimile chad@appeal.pro CERTIFICATE OF CONFERENCE On July 16, 2015, I conferred with Tom S. McCorkle, counsel for Appellant Richard Parker, and he agrees to the relief sought in this motion. /s/ Chad M. Ruback Chad M. Ruback AGREED MOTION TO ISSUE MANDATE Page 2 CERTIFICATE OF SERVICE On July 16, 2015, I served a copy of this document to the following counsel for Appellant Richard Parker: Tom S. McCorkle 403 W. Tyler Street Gilmer, Texas 75644 /s/ Chad M. Ruback Chad M. Ruback AGREED MOTION TO ISSUE MANDATE Page 3