

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

In the Matter of the Estate of Vaughn Kuyamjian, a/k/a Vahan Kuyamjian

No. 08-16-00250-CV · No. 08-16-00250-CV · Decided April 26, 2017

SUMMARY

The Eighth District Court of Appeals of Texas ordered the parties to submit supplemental briefs addressing the appellant's standing to challenge the purported transfer of a trust asset by will. The briefs were also directed to address the trial court's findings concerning undue influence, mental capacity, and testamentary capacity.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Per Curiam; McClure, C.J.; Rodriguez, J.; Palafox, J.
JURISDICTION	Texas
DECIDED	April 26, 2017
DOCKET	08-16-00250-CV
DISPOSITION	other
PROCEDURAL POSTURE	The Court of Appeals requested supplemental briefing concerning Appellant's standing to challenge the purported transfer of a trust asset by the will, both in the trial court and on appeal.
PRECEDENTIAL VALUE	Not determined from the provided order
PARTIES	In the Matter of the Estate of Vaughn Kuyamjian, a/k/a Vahan Kuyamjian

TOPICS

probate procedure trusts appellate procedure

PRACTICE AREAS

probate trusts appellate procedure

QUESTIONS PRESENTED

1. Whether Appellant had standing in the trial court and on appeal to challenge the purported transfer of a trust asset by the will.
2. Whether the trial court's findings regarding undue influence, mental capacity, and testamentary capacity affected the standing analysis.

KEY QUOTATIONS

“The Court requests the parties to submit supplemental briefs regarding Appellant’s standing before the trial court and on appeal to challenge the purported transfer of the trust asset by the will.”

FACTUAL BACKGROUND

The appeal concerns a purported transfer of a trust asset by a will. The trial court found no evidence of undue influence, no material fact issue concerning mental capacity, and that the decedent possessed testamentary capacity on February 22, 2016. The appellate court requested briefing on whether those findings affected Appellant's standing to challenge the transfer.

PROCEDURAL HISTORY

The appeal arose from proceedings in County Court at Law No. 1 of Hays County, Texas, cause number 16-0085-P. Before resolving the appeal, the Court of Appeals ordered the parties to submit supplemental briefs addressing standing and the effect of the trial court's findings concerning undue influence, mental capacity, and testamentary capacity.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS § In the Matter of the Estate of Vaughn § No. 08-16-00250-CV Kuyamjian, a/k/a Vahan Kuyamjian, § Appeal from the Appellant. § County Court at Law No. 1 § of Hays County, Texas § (TC# 16-0085-P) § ORDER The Court requests the parties to submit supplemental briefs regarding Appellant’s standing before the trial court and on appeal to challenge the purported transfer of the trust asset by the will.

The supplemental briefs should address the trial court’s finding there is no evidence of undue influence, no material fact issue as to mental capacity and that Decedent possessed testamentary capacity on February 22, 2016 and whether it modifies the analysis and if so, how.

The supplemental briefs are not to exceed ten pages. Appellant’s supplemental brief is due May 8, 2017 and Appellee’s supplemental brief is due on or before May 19, 2017. IT IS SO ORDERED

this 26th day of April, 2017. PER CURIAM Before McClure, C.J., Rodriguez and Palafox, JJ.

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