COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT TEXARKANA

In re Jeffery Don Brock

No. 06-26-00029-CV · No. 06-26-00029-CV · Decided April 27, 2026

SUMMARY

The Sixth Court of Appeals of Texas denied Jeffrey Don Brock's petition for a writ of mandamus seeking to compel the Harrison County Court at Law to rule on his motion to compel an estate accounting. The court concluded that Brock filed the petition before the accounting deadline he had requested and failed to establish that the trial court had improperly failed to rule on later complaints concerning the accounting.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Jeff Rambin; Stevens, C.J.; van Cleef, J.; Rambin, J.
JURISDICTION	Court of Appeals of Texas, Sixth Appellate District at Texarkana
DECIDED	April 27, 2026
DOCKET	06-26-00029-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding seeking an order compelling the presiding judge of the Harrison County Court at Law to rule on a motion to compel an accounting of an estate.
STANDARD OF REVIEW	Mandamus requires the relator to establish a clear abuse of discretion or violation of a duty imposed by law and the absence of a clear and adequate remedy at law. A trial court must consider and rule on a properly filed motion within a reasonable time after a ruling has been requested.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Jeffery Don Brock

TOPICS

appellate procedure · probate procedure · estate administration · standard of review · civil procedure

PRACTICE AREAS

Appellate procedure | Probate | Mandamus

QUESTIONS PRESENTED

1. Whether Brock was entitled to mandamus relief compelling the trial court to rule on his motion to compel an estate accounting when he filed the petition before the deadline for production stated in his own demand.
2. Whether Brock established entitlement to mandamus relief based on alleged deficiencies in the accounting filed after the mandamus petition, where he did not show that those complaints were included in his motion to compel or that he requested a ruling on them.

HOLDINGS

1. Mandamus relief was unavailable because, when Brock filed his petition, the accounting was not yet due under the deadline stated in his own demand; therefore, he had not shown entitlement to the requested extraordinary writ.
2. Brock did not establish entitlement to mandamus relief based on his post-receipt complaints because he did not develop a record showing that those complaints fell within his motion to compel or that he requested the trial court to rule on them.

KEY QUOTATIONS

> *"Once a ruling has been requested on a motion pending before a trial court, the trial court is required to consider and rule on a motion within a reasonable time."* (at 3)

> *"To obtain mandamus relief here, [Relator] must establish that: (1) the motion was properly filed and had been pending for a reasonable time; (2) [he] requested a ruling on the motion; and (3) the trial court has either refused to rule or failed to rule within a reasonable time."* (at 3)

> *"Brock was not entitled to the extraordinary writ as of the date of his petition."* (at 3)

FACTUAL BACKGROUND

Brock demanded a full, verified accounting of the Estate of Allie Marie Schuler Brock Fugler, stating that it was due by March 16, 2026. Before that date, he filed a motion to compel, requested submission or a hearing, requested a ruling, and filed the mandamus petition. The executor filed and served a verified accounting on March 13, while Brock asserted that the clerk did not fully accept it until March 20 and that the accounting was deficient.

PROCEDURAL HISTORY

Brock requested an accounting from the independent executor and filed a motion to compel, requests for submission or hearing, and a request for ruling. He filed his mandamus petition before the deadline for production stated in his own demand. The executor subsequently filed and served a verified accounting, although

Brock disputed its adequacy and the date on which the trial court clerk fully accepted it. The court of appeals denied mandamus relief.

DISPOSITION

writ_denied

CASES CITED

- In re Good Shepherd Hosp., Inc., 572 S.W.3d 315, 319 (Tex. App.—Texarkana 2019, orig. proceeding)
- Cantu v. Longoria, 878 S.W.2d 131 (Tex. 1994) (orig. proceeding) (per curiam)
- Walker v. Packer, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding)
- Paxton v. Am. Oversight, 716 S.W.3d 535, 540 (Tex. 2025)
- Lloyd v. Brinck, 35 Tex. 1, 9 (Tex. 1872) (orig. proceeding)
- In re Greenwell, 160 S.W.3d 286, 288 (Tex. App.—Texarkana 2005, orig. proceeding)
- In re Cunningham, 454 S.W.3d 139, 143 (Tex. App.—Texarkana 2014, orig. proceeding)

OPINION

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-26-00029-CV IN RE JEFFERY DON BROCK Original Mandamus Proceeding Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Justice Rambin MEMORANDUM OPINION By his petition for a writ of mandamus, Relator, Jeffrey Don Brock, asks this Court to order the Honorable Joe Black, presiding judge of the County Court at Law of Harrison County, Texas, to rule on his motion to compel an accounting of the Estate of Allie Marie Schuler Brock Fugler.

We deny the mandamus petition. I. Factual Background The record provided to us indicates that Brock petitioned for mandamus regarding a motion to compel prior to the deadline for production set by his own request. On January 15, 2026, Brock emailed Dean Searle, counsel for Charles Tackett (the executor), requesting "[p]ursuant to Texas Estates Code § 404.001[,]... a full, verified accounting of the Estate... within the time required by law on or before March 16, 2026." The statute cited by Brock's request states, "Should the independent executor not comply with a demand for accounting authorized by this section within [sixty] days after receipt of the demand, the person making the demand may compel compliance by an action in the probate court." TEX. EST.

CODE ANN. § 404.001(b). Brock and Tackett dispute earlier events in the case. Nonetheless, the record provided to us shows that Brock was willing to accept an accounting provided by March 16, 2026. Before March 16, 2026, Brock filed: (i) a motion to compel on January 28; (ii) a request for submission or hearing on the motion on January 29; (iii) a request for ruling on February 19; and then (iv) the present mandamus on March 10, 2026.

2 Tackett's response in our Court states that he filed a verified accounting of the Estate in the Harrison County Court at Law on March 13, 2026, and served it upon Brock at that time. Brock filed a reply asserting that the trial court clerk had initially rejected the accounting and did not accept it fully until March 20, 2026. Brock asserts that his mandamus is not moot because the 1,600-page accounting, in his view, is deficient, and the trial court still needs to rule on his motion to compel.

II. Standard of Review "Mandamus issues only when the mandamus record establishes (1) a clear abuse of discretion or violation of a duty imposed by law and (2) the absence of a clear and adequate remedy at law." In re Good Shepherd Hosp., Inc., 572 S.W.3d 315, 319 (Tex. App.—Texarkana 2019, orig. proceeding) (citing Cantu v. Longoria, 878 S.W.2d 131 (Tex. 1994) (orig. proceeding) (per curiam); Walker v. Packer, 827 S.W.2d 833, 839 (Tex.

1992) (orig. proceeding)); see Paxton v. Am. Oversight, 716 S.W.3d 535, 540 (Tex. 2025) ("This Court often issues the writ of mandamus—or does so provisionally—to compel a lower court to perform a duty that is 'simply ministerial and involves no judicial discretion." (quoting Lloyd v. Brinck, 35 Tex. 1, 9 (Tex. 1872) (orig. proceeding))). "Once a ruling has been requested on a motion pending before a trial court, the trial court is required to consider and rule on a motion within a reasonable time." In re Greenwell, 160 S.W.3d 286, 288 (Tex.

App.—Texarkana 2005, orig. proceeding); see In re Cunningham, 454 S.W.3d 139, 143 (Tex. App.—Texarkana 2014, orig. proceeding) ("To obtain mandamus relief here, [Relator] must establish that: (1) the motion was properly filed and had been pending for a 3 reasonable time; (2) [he] requested a ruling on the motion; and (3) the trial court has either refused to rule or failed to rule within a reasonable time.").

III. Analysis Brock petitioned for mandamus on March 10, 2026, seeking a ruling on a motion to compel an accounting which, by Brock's own request, was not due until March 16, 2026. Brock was not entitled to the extraordinary writ as of the date of his petition.

As for dates afterwards, Brock has not developed a record showing whether his complaints about the accounting he got fit within his motion to compel (i.e., to get) that accounting, nor has he shown that he requested the trial court to rule on his post-receipt complaints about that accounting.

We deny Brock's requested mandamus relief. Jeff Rambin Justice Date Submitted: April 24, 2026 Date Decided: April 27, 2026 4