

ELEVENTH COURT OF APPEALS OF TEXAS

Benton Wilcoxon v. Sparkie Properties LLC

Wilcoxon · No. 11-23-00292-CV · Decided December 31, 2025

SUMMARY

The Eleventh Court of Appeals of Texas affirmed an order appointing a receiver over the estate of judgment debtor Benton Wilcoxon. The court held that Wilcoxon could not challenge earlier turnover orders because he did not timely appeal them, lacked standing to assert jurisdictional objections on behalf of other entities, and waived any personal-jurisdiction objection by making general appearances. The court also rejected his challenge to the receivership order because that order did not identify the specific shares referenced in the unappealed turnover orders.

CASE DETAILS

COURT	Eleventh Court of Appeals of Texas
WRITING FOR THE COURT	John M. Bailey, Chief Justice; Trotter, Justice; Williams, Justice
JURISDICTION	Eleventh Court of Appeals of Texas
DECIDED	December 31, 2025
DOCKET	11-23-00292-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilcoxon appealed an order appointing a receiver after the trial court entered default judgment against him and NextMetals and issued turnover orders to aid enforcement of the judgment.
STANDARD OF REVIEW	Turnover orders and receivership orders are reviewed for abuse of discretion. Personal jurisdiction is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Benton Wilcoxon v. Sparkie Properties LLC

TOPICS

- appellate jurisdiction
- personal jurisdiction
- civil procedure
- remedies
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Judgment enforcement
- Receiverships
- Commercial litigation

QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review the first and second turnover orders when Wilcoxon did not timely appeal them.
2. Whether Wilcoxon could assert personal-jurisdiction and service-of-process challenges on behalf of NextMetals and the NEXT-ChemX entities.
3. Whether Wilcoxon waived any personal-jurisdiction objection by making general appearances in the trial court.
4. Whether the trial court abused its discretion by appointing a receiver without sufficient proof that Wilcoxon owned the shares identified in the turnover orders.

HOLDINGS

1. The first and second turnover orders were final, appealable orders because they operated as mandatory injunctions requiring affirmative action, and Wilcoxon's failure to timely appeal them deprived the court of jurisdiction to review their merits.
2. Wilcoxon lacked standing to assert personal-jurisdiction or service-of-process challenges belonging to NextMetals, NEXT-ChemX (Nevada), or NEXT-ChemX (Texas), because those entities were not parties to the appeal and the alleged injuries affected their rights rather than Wilcoxon's.
3. Wilcoxon waived any objection to personal jurisdiction by entering general appearances and seeking affirmative relief without filing a compliant special appearance.
4. The trial court did not abuse its discretion in appointing the receiver on the ground asserted by Wilcoxon because the only timely appealed order was the receivership order, and that order did not reference the specific shares whose ownership Wilcoxon disputed.

KEY QUOTATIONS

"A turnover order that acts as a mandatory injunction is a final, appealable judgment." (5)

"Ultimately, a party enters a general appearance by seeking affirmative relief inconsistent with an assertion that the trial court lacks jurisdiction." (8)

FACTUAL BACKGROUND

Sparkie obtained a default judgment exceeding one million dollars against Wilcoxon and NextMetals on unpaid promissory notes. Because the judgment remained unpaid, the trial court issued two turnover orders concerning nonexempt property and related records, and later appointed Glenn A. Little as receiver of Wilcoxon's estate. Wilcoxon timely appealed the receivership order but did not timely appeal either turnover order.

PROCEDURAL HISTORY

Sparkie sued Wilcoxon and NextMetals for breach of promissory notes, and the trial court entered a default judgment exceeding one million dollars. After the judgment remained unpaid, the trial court entered turnover orders and later appointed a receiver over Wilcoxon's estate. Wilcoxon timely appealed only the receivership order, while attempting to challenge the earlier turnover orders and the trial court's personal jurisdiction.

DISPOSITION

affirmed

CASES CITED

- Beaumont Bank, N.A. v. Buller, 806 S.W.2d 223, 226 (Tex. 1991)
- Moyer v. Moyer, 183 S.W.3d 48, 51 (Tex. App.—Austin 2005, no pet.)
- Low v. Henry, 221 S.W.3d 609, 614 (Tex. 2007)
- Cire v. Cummings, 134 S.W.3d 835, 838-39 (Tex. 2004)
- Alexander Dubose Jefferson & Townsend LLP v. Chevron Phillips Chem. Co., L.P., 540 S.W.3d 577, 581, 586-87 (Tex. 2018) (per curiam)
- Vaccaro v. Raymond James & Assoc., Inc., 655 S.W.3d 485, 489 n.3 (Tex. App.—Fort Worth 2022, no pet.)
- Schultz v. Fifth Judicial Dist. Court of Appeals at Dallas, 810 S.W.2d 738, 740 (Tex. 1991)
- In re Sheshtawy, 154 S.W.3d 114 (Tex. 2004)
- Prodeco Expl., Inc. v. Ware, 684 S.W.2d 199 (Tex. App.—Houston [1st Dist.] 1984, no writ)
- Kennedy v. Hudnall, 249 S.W.3d 520 (Tex. App.—Texarkana 2008, no pet.)
- Robison v. Watson, No. 04-20-00138-CV, 2021 WL 2117936, at *3 (Tex. App.—San Antonio May 26, 2021, no pet.) (mem. op.)
- NextMetals Ltd. v. Sparkie Properties, LLC, No. 11-24-00233-CV, 2024 WL 4457037, at *1-2 (Tex. App.—Eastland Oct. 10, 2024, no pet.) (mem. op.)
- Wilkins v. Methodist Health Care Sys., 160 S.W.3d 559, 564 (Tex. 2005)
- In re E.R., 385 S.W.3d 552, 566 (Tex. 2012)
- Brumfield v. Williamson, 634 S.W.3d 170, 192 (Tex. App.—Houston [1st Dist.] 2021, pet. denied)
- Torrington Co. v. Stutzman, 46 S.W.3d 829, 843 (Tex. 2000)
- In re Guardianship of V.A., 390 S.W.3d 414, 418 (Tex. App.—San Antonio 2012, pet. denied)
- Sw. Const. Receivables, Ltd. v. Regions Bank, 162 S.W.3d 859, 864 (Tex. App.—Texarkana 2005, pet. denied)
- Zinc Nacional, S.A. v. Bouché Trucking, Inc., 308 S.W.3d 395, 397 (Tex. 2010)
- BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789, 794 (Tex. 2002)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472 n.14 (1985)
- Milacron Inc. v. Performance Rail Tie, L.P., 262 S.W.3d 872, 875-76 (Tex. App.—Texarkana 2008, no pet.)
- Arnold v. Price, 365 S.W.3d 455, 458 (Tex. App.—Fort Worth 2011, no pet.)
- Morris v. Morris, 894 S.W.2d 859, 862 (Tex. App.—Fort Worth 1995, no writ)
- Klingenschmitt v. Weinstein, 342 S.W.3d 131, 133 (Tex. App.—Dallas 2011, no pet.)
- Exito Elecs. Co., Ltd. v. Trejo, 142 S.W.3d 302, 304 (Tex. 2004)
- Dawson–Austin v. Austin, 968 S.W.2d 319, 322-23 (Tex. 1998)

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