

FOURTEENTH COURT OF APPEALS OF TEXAS

In re Fluid Power Equipment, Inc., Peerless Enterprises, and Robert N. Shell

In re Fluid Power Equipment · No. 14-20-00577-CV · Decided October 22, 2020

SUMMARY

The Fourteenth Court of Appeals of Texas conditionally granted a petition for writ of mandamus challenging a post-judgment enforcement order in an arbitration-confirmation proceeding. The court held that the trial court's order was void to the extent it required the relators to convey the South Lot because that obligation materially changed the final judgment, which had required execution of specified settlement documents. The court directed the trial court to vacate that portion of the order but did not address the separate provision requiring payment of past-due rent.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Kevin Jewell; Christopher; Zimmerer
JURISDICTION	Texas
DECIDED	October 22, 2020
DOCKET	14-20-00577-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus compelling the trial court to vacate part of a post-judgment order enforcing a judgment confirming an arbitration award.
STANDARD OF REVIEW	Mandamus generally requires a clear abuse of discretion and no adequate remedy by appeal. Issuance of a void order constitutes an abuse of discretion, and when an order is void the relator need not demonstrate the absence of an adequate appellate remedy.
PRECEDENTIAL VALUE	published
PARTIES	Fluid Power Equipment, Inc., Peerless Enterprises, Robert N. Shell v. Deborah P. Wilson, as Independent Executrix for the Estate of John W. Wilson

TOPICS

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QUESTIONS PRESENTED

1. Whether the trial court's post-judgment enforcement order materially changed the final judgment by requiring the relators to convey the South Lot when the deed incorporated into the judgment described only the North Lot.
2. Whether mandamus relief was appropriate because the challenged portion of the enforcement order was void.

HOLDINGS

1. Although a trial court may interpret and enforce its judgment, it may not issue an order inconsistent with the original judgment or materially change the substantive adjudicative portions of that judgment after plenary power has expired. Such an order is void.
2. The portion of the June 25, 2020 order compelling the relators to convey the South Lot was void because it materially changed the final judgment and imposed an obligation not reflected in the judgment.
3. Mandamus relief was appropriate because the challenged portion of the enforcement order was void, and the relators therefore did not need to show that they lacked an adequate remedy by appeal.

KEY QUOTATIONS

“By imposing an obligation to transfer the South Lot, the trial court was not interpreting its Final Judgment but was resolving a dispute between the parties regarding the proper interpretation of the documents comprising the Arbitrator’s Exhibit 1.” (at 10-11)

FACTUAL BACKGROUND

John W. Wilson and Robert Shell were equal owners of Fluid Power Equipment, Inc. and equal partners in Peerless Enterprises, whose sole asset was real property at 6305 Cunningham Road. After Wilson's death, his estate sued Shell, Fluid Power, and Peerless over the ownership interests. The parties mediated and later arbitrated their dispute; the resulting award and settlement documents required transfer of the property, execution of a lease, and other settlement obligations, but the deed described only the North Lot while the lease and broader property definition encompassed both the North and South Lots.

PROCEDURAL HISTORY

After John W. Wilson's estate and the relators arbitrated their dispute, the trial court signed a December 13, 2019 final judgment confirming the arbitration award and ordering the parties to execute the arbitrator's settlement documents, including a settlement agreement, deed, and lease. The trial court later granted Wilson's motion to enforce judgment and ordered the relators to convey both lots comprising the property and to pay past-due rent.

The relators sought mandamus relief, arguing that the order requiring conveyance of the South Lot materially altered the final judgment.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed to vacate the part of the June 25, 2020 order compelling the relators to transfer the South Lot. The writ would issue only if the trial court failed to comply.

CASES CITED

- In re Garza, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding)
- In re Cerberus Capital Mgmt. L.P., 164 S.W.3d 379, 382 (Tex. App.—Dallas 2005, orig. proceeding) (per curiam)
- In re Sw. Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) (per curiam)
- In re Vaishangi, Inc., 442 S.W.3d 256, 261 (Tex. 2014) (orig. proceeding) (per curiam)
- In re Martinez, 478 S.W.3d 123, 125 (Tex. App.—Houston [14th Dist.] 2015, orig. proceeding)
- Walter v. Marathon Oil Corp., 422 S.W.3d 848, 855, 858-60 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding)
- Arndt v. Farris, 633 S.W.2d 497, 499 (Tex. 1982)
- Mitchell v. Turbine Res. Unlimited, Inc., 523 S.W.3d 189, 197 (Tex. App.—Houston [14th Dist.] 2017, pet. denied)
- Custom Corps., Inc. v. Sec. Storage, Inc., 207 S.W.3d 835, 839 (Tex. App.—Houston [14th Dist.] 2006, no pet.)
- Harris Cty. Appraisal Dist. v. West, 708 S.W.2d 893, 896-97 (Tex. App.—Houston [14th Dist.] 1986, orig. proceeding)