

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT AT EASTLAND

Navigator Group v. Susan Davis Van Dyke

No. 11-24-00030-CV (Tex. App.—Eastland Feb. 27, 2026) · No. 11-24-00030-CV · Decided February 27, 2026

SUMMARY

The Eleventh Court of Appeals of Texas affirmed a trial court judgment declaring that the successors to George H. and Frances E. Mulkey owned an undivided one-half interest in the entire mineral estate reserved under a 1924 deed. Relying on its contemporaneous opinion in a related appeal, the court overruled the White successors’ two issues.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District at Eastland
WRITING FOR THE COURT	John M. Bailey; John M. Bailey, Chief Justice; Sandee B. Marion, Senior Chief Justice (Retired), sitting by assignment; Jim R. Wright, Senior Chief Justice (Retired), sitting by assignment at submission; deceased before issuance; Trotter, Justice, not participating; Williams, Justice, not participating
JURISDICTION	Texas Court of Appeals, Eleventh District at Eastland
DECIDED	February 27, 2026
DOCKET	11-24-00030-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a declaratory judgment concerning ownership of reserved mineral interests.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Blake Oil & Gas Corp., Jack E. Blake, Jr., Rick Ybarra, as Trustee of the Logan Lee Blake Trust, Betty Lou Angelo, Ernest Angelo, Jr., S. Javaid Anwar, Brendan J. Fikes Family Partnership, Ltd., Navigator Oil & Minerals, Inc., Viper Energy Partners LLC, Michael J. Daniel, Dingus Investments, Inc., Discovery Exploration Partnership, MTX Interests, L.P., Kennedy Minerals, Ltd., The Ninety-Six Corporation, Keith M. Skaar, Blake Wood, JPMorgan Chase Bank, N.A., as Trustee of both the G.R. White Charitable Trust and the Joy Lina White Ubina Trust, H & S Farms, Inc., Phyllis Sayre, Jarvis Haynes, Gretchin McDonald, Amber Lynette Stroup Rich as Trustee of the Amber Stroup Rich Trust, Kayne Stroup as Trustee of the Kayne Stroup Trust

v. Susan Davis Van Dyke, Estate of Stephen L. Davis, Deceased, Sheryl Ann Huttner, f/k/a Ann Mulkey Bell, Estate of Kay Elaine Keys, Deceased, Jill Marie Stuckert, a/k/a Jill Marie Walker, George Dan Mulkey and Thomas J. Mulkey, Trustees of the Mulkey Family Mineral Trust, Arthur B. Davis, Boyd Enterprises, Inc., The Huffington Foundation, Bishop-Windham Family Limited Partnership, The Dillon Fund, Terry S. Key, Trustee of the Terry S. Key Non-Exempt Trust, Roger A. Key, Trustee of the Roger A. Key Non-Exempt Trust, Pam Stribling and John V. Price as Heirs and Successors of Interest to Noble H. Price, Preston Bridgewater, Jr., James G. McClellan, Ind. Executor of Estate of Hayden J. Upchurch, Deceased, Deborah L. Alexander, Trustee of the DLA Child's Trust, Amanda Kay Livingston, Trustee of the AKL Child's Trust, Culley Ingram, Trustee of the CI Grandchild's Trust, Kerry Kantman, Trustee of the KK Grandchild's Trust, McKenzie Ciliberto, Trustee of the MC Grandchild's Trust, Ryedale, LLC, Jane R. Lancaster, Raymond James Trust, N.A., Trustees of the Edith Elizabeth Brasher 1986 Management Trust, William Marsh Rice University, Howard W. Key, Trustee of the Howard W. Key Non-Exempt Trust, Charles E. Key, Trustee of the Charles E. Key Non-Exempt Trust, G&R Carr Enterprises, LLC, Dorchester Minerals, LP, Deutsche Bank Trust Company, N.A. and Irving Sitnick, Trustees of the Lucy G. Moses 12/24/58 Trust, Deutsche Bank Trust Company, N.A., Trustee of the Henry & Lucy Moses Foundation Trust, Deutsche Bank Trust Company, N.A. and William H. Hernstadt, Trustees of the William H. Hernstadt, Estate Trust, Deutsche Bank Trust Company, N.A., Trustee of the William L. Hernstadt 1937 Trust, Freeport-McMoRan Oil & Gas LLC, PXP Producing Company LLC, Renee Brunson, Gary Covington, Kyle Covington, Lisa Graham, Kirk Covington, Earmark Enterprises, Dela Minerals, Inc. by and through Covington Minerals, LP, Endeavor Energy Resources, LP, Dave Michael McCullar, Frederick Bartlett Wulff, Sr., Richard W. Winters, Jr., Kathleen M. Winters

TOPICS

mineral rights

minerals

title disputes

appellate procedure

PRACTICE AREAS

mineral rights

real estate

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by declaring that the Mulkey successors hold title to an undivided one-half of the entire mineral estate.

2. Whether the two issues raised by the White successors required reversal of the trial court’s judgment.

HOLDINGS

1. The court overruled the White successors’ challenge and upheld the declaration that the Mulkey successors hold title to an undivided one-half of the entire mineral estate.

KEY QUOTATIONS

“Although the identities of some of the parties in this matter are different, the issues that are presented in Van Dyke III are identical to the contested issues and judgment in this matter in all other material respects.”

FACTUAL BACKGROUND

In a 1924 deed, George H. Mulkey and Frances E. Mulkey conveyed property to G.R. White and G.W. Tom while reserving to themselves “one-half of one-eighth” of the “minerals and mineral rights” in the property. The parties are successors to the original grantees and reserving parties. The dispute concerns whether the Mulkey successors hold title to an undivided one-half of the entire mineral estate.

PROCEDURAL HISTORY

The 118th District Court of Martin County rendered judgment declaring that the successors to George H. Mulkey and Frances E. Mulkey owned an undivided one-half of the entire mineral estate reserved in a 1924 deed. The successors to G.R. White and G.W. Tom appealed, asserting two issues challenging that declaration. The court of appeals relied on its contemporaneous decision in Van Dyke III and affirmed.

DISPOSITION

affirmed

CASES CITED

- Navigator Group v. Susan Davis Van Dyke, No. 11-24-00007-CV (Tex. App.—Eastland 2026, no pet. h.)

OPINION

Navigator Group v. Susan Davis Van Dyke

PER CURIAM.

Opinion filed February 27, 2026 In The Eleventh Court of Appeals _____ No. 11-24-00030-CV _____ NAVIGATOR GROUP ET AL., Appellants V. SUSAN DAVIS VAN DYKE ET AL., Appellees On Appeal from the 118th District Court Martin County, Texas Trial Court Cause Nos. 6848

MEMORANDUM OPINION

This matter involves a dispute over a mineral reservation in a 1924 deed in which George H. Mulkey and Frances E. Mulkey conveyed a property to G.R. White and G.W. Tom while reserving to themselves “one-half of one-eighth” of the “minerals and mineral rights” therein. The parties

are divided into two sides. Appellants are the successors to G.R. White and G.W. Tom (the White successors).¹ Appellees are the successors to the Mulkeys (the Mulkey successors).² In their first issue, the White successors argue that the trial court erred when it rendered a judgment declaring that the Mulkey successors hold title to an undivided one-half of the entire mineral estate. We have today issued an opinion in *Navigator Group v. Susan Davis Van Dyke*, No. 11-24-00007-CV, (Tex. App.—Eastland 2026, no pet. h.) (Van Dyke III), in which we affirmed the judgment of the 118th District Court, which declared that the successors to the Mulkeys hold title to an undivided one-half of the entire mineral estate. Although the identities of some of the parties in this matter are different, the 1 Appellants are Blake Oil & Gas Corp.; Jack E. Blake, Jr.; Rick Ybarra, as Trustee of the Logan Lee Blake Trust; Betty Lou Angelo; Ernest Angelo, Jr.; S. Javaid Anwar; Brendan J. Fikes Family Partnership, Ltd.; Navigator Oil & Minerals, Inc.; Viper Energy Partners LLC; Michael J. Daniel; Dingus Investments, Inc.; Discovery Exploration Partnership; MTX Interests, L.P.; Kennedy Minerals, Ltd.; The Ninety-Six Corporation; Keith M. Skaar; Blake Wood (the “Navigator Group”); JPMorgan Chase Bank, N.A., as Trustee of both the G.R. White Charitable Trust and the Joy Lina White Ubina Trust; H & S Farms, Inc.; Phyllis Sayre; Jarvis Haynes; Gretchin McDonald; Amber Lynette Stroup Rich as Trustee of the Amber Stroup Rich Trust; and Kayne Stroup as Trustee of the Kayne Stroup Trust. 2 Appellees are Susan Davis Van Dyke; Estate of Stephen L. Davis, Deceased; Sheryl Ann Huttner, f/k/a Ann Mulkey Bell; Estate of Kay Elaine Keys, Deceased; Jill Marie Stuckert, a/k/a Jill Marie Walker; George Dan Mulkey and Thomas J. Mulkey, Trustees of the Mulkey Family Mineral Trust; Arthur B. Davis; Boyd Enterprises, Inc.; The Huffington Foundation; Bishop-Windham Family Limited Partnership; The Dillon Fund; Terry S. Key, Trustee of the Terry S. Key Non-Exempt Trust; Roger A. Key, Trustee of the Roger A. Key Non-Exempt Trust; Pam Stribling and John V. Price as Heirs and Successors of Interest to Noble H. Price; Preston Bridgewater, Jr.; James G. McClellan, Ind. Executor of Estate of Hayden J. Upchurch, Deceased; Deborah L. Alexander, Trustee of the DLA Child’s Trust; Amanda Kay Livingston, Trustee of the AKL Child’s Trust; Culley Ingram, Trustee of the CI Grandchild’s Trust; Kerry Kantman, Trustee of the KK Grandchild’s Trust; McKenzie Ciliberto, Trustee of the MC Grandchild’s Trust; Ryedale, LLC; Jane R. Lancaster; Raymond James Trust, N.A., Trustees of the Edith Elizabeth Brasher 1986 Management Trust; William Marsh Rice University; Howard W. Key, Trustee of the Howard W. Key Non-Exempt Trust; Charles E. Key, Trustee of the Charles E. Key Non-Exempt Trust; G&R Carr Enterprises, LLC; Dorchester Minerals, LP; Deutsche Bank Trust Company, N.A. and Irving Sitnick, Trustees of the Lucy G. Moses 12/24/58 Trust; Deutsche Bank Trust Company, N.A., Trustee of the Henry & Lucy Moses Foundation Trust; Deutsche Bank Trust Company, N.A. and William H. Hernstadt, Trustees of the William H. Hernstadt, Estate Trust; Deutsche Bank Trust Company, N.A., Trustee of the William L. Hernstadt 1937 Trust; Freeport-McMoRan Oil & Gas LLC; PXP Producing Company LLC; Renee Brunson; Gary Covington; Kyle Covington; Lisa Graham; Kirk Covington; Earmark Enterprises; Dela Minerals, Inc. by and through Covington Minerals, LP; Endeavor Energy Resources, LP; Dave Michael

McCullar; Frederick Bartlett Wulff, Sr.; Richard W. Winters, Jr.; and Kathleen M. Winters. 2 issues that are presented in Van Dyke III are identical to the contested issues and judgment in this matter in all other material respects. Accordingly, for the reasons that are stated in Van Dyke III, we overrule the two issues raised by the White successors. We affirm the judgment of the trial court.

JOHN M. BAILEY

CHIEF JUSTICE

February 27, 2026 Panel consists of: Bailey, C.J., and Marion, S.C.J.³ Trotter, J., and Williams, J., not participating. ³ Sandee B. Marion, Senior Chief Justice (Retired), Court of Appeals, 4th District of Texas at San Antonio, sitting by assignment. At the time of submission on oral argument, Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sat on the panel by assignment. Unfortunately, he passed away before the issuance of this opinion. ³