

TEXAS COURT OF APPEALS, FOURTEENTH DISTRICT

In the Estate of Raul Humberto Ayala, Sr., Deceased

No. 14-14-00324-CV (Tex. App.—Houston [14th Dist.] Aug. 18, 2015) · No. No. 14-14-00324-CV · Decided August 18, 2015

SUMMARY

The Fourteenth Court of Appeals of Texas affirmed the probate court’s judgment admitting Raul Humberto Ayala, Sr.’s 2006 will to probate. The court held that legally and factually sufficient evidence supported the jury’s findings that the will was properly executed, that Raul Sr. had testamentary capacity, and that the will was not the product of undue influence.

CASE DETAILS

COURT	Texas Court of Appeals, Fourteenth District
WRITING FOR THE COURT	J. Brett Busby; Justice Jamison; Justice Busby; Justice Brown
JURISDICTION	Texas
DECIDED	August 18, 2015
DOCKET	No. 14-14-00324-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Will contest appeal from a probate judgment admitting the decedent's 2006 will to probate after a jury found that the will was validly executed, that the decedent had testamentary capacity, and that he did not execute the will as a result of undue influence.
STANDARD OF REVIEW	For legal sufficiency, the court viewed the evidence in the light most favorable to the challenged finding, credited favorable evidence that a reasonable factfinder could believe, and disregarded contrary evidence unless a reasonable factfinder could not. When the appellant did not bear the burden of proof, reversal required showing no evidence supported the adverse finding; when the appellant bore the burden, reversal required showing that the evidence conclusively established the contrary. For factual sufficiency, the court examined the entire record and could set aside a finding only if it was so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust, or, where the appellant bore the burden, if the finding was against the great weight and preponderance of the evidence. The jury remained the sole judge of witness credibility and evidentiary weight.

PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise characterized in the opinion text.
PARTIES	Raul Humberto Ayala, Jr. v. Martha Enriquetta Ayala Garza, Sandra Wallace Ayala Wied

TOPICS

will contests undue influence testamentary capacity probate procedure appellate procedure

PRACTICE AREAS

probate estate litigation appellate procedure evidence

QUESTIONS PRESENTED

1. Whether legally and factually sufficient evidence supported the jury's finding that the 2006 will was properly executed.
2. Whether legally and factually sufficient evidence supported the jury's failure to find that the decedent executed the 2006 will as a result of undue influence.
3. Whether legally and factually sufficient evidence supported the jury's finding that the decedent had testamentary capacity to execute the 2006 will.

HOLDINGS

1. The evidence was legally and factually sufficient to support the jury's finding that the 2006 will satisfied the requirements for valid execution.
2. The evidence was legally and factually sufficient to support the jury's finding that the decedent did not execute the 2006 will as a result of undue influence.
3. The evidence was legally and factually sufficient to support the jury's finding that the decedent had testamentary capacity when he executed the 2006 will.

KEY QUOTATIONS

"We hold that the evidence was legally and factually sufficient for the jury to conclude the 2006 Will was properly executed." (at 8)

"The mere possibility that Sandra and Martha exercised undue influence is insufficient to overturn the jury's conclusion" (at 11)

"We hold the evidence is legally and factually sufficient to support the jury's conclusion that Raul Sr. had testamentary capacity to execute the 2006 Will." (at 13)

FACTUAL BACKGROUND

Raul Humberto Ayala, Sr. executed a 2000 will leaving his stock in the family business to his son, Raul Humberto Ayala, Jr. In 2006, he executed a new will revoking the 2000 will and leaving the stock to his daughters, Martha Enriquetta Ayala Garza and Sandra Wallace Ayala Wied, in equal shares. Trial evidence included testimony that the son had mistreated the decedent and that the decedent understood the proposed changes, intended to redistribute his estate, and possessed testamentary capacity when he signed the 2006 will.

PROCEDURAL HISTORY

After Raul Humberto Ayala, Sr. died, Martha Ayala Garza applied to probate the 2006 will, Sandra Ayala Wied supported the application, and Raul Humberto Ayala, Jr. sought probate of the 2000 will. The jury found that the 2006 will satisfied the execution requirements, that the decedent had testamentary capacity, and that he did not execute the will as a result of undue influence. The probate court rendered judgment on the verdict, admitted the 2006 will to probate, and overruled the appellant's motion for new trial by operation of law. The Fourteenth Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Univ. Gen. Hosp., L.P. v. Prexus Health Consultants, LLC, 403 S.W.3d 547, 550-51 (Tex. App.—Houston [14th Dist.] 2013, no pet.)
- Dow Chem. Co. v. Francis, 46 S.W.3d 237, 241-42 (Tex. 2001)
- Mar. Overseas Corp. v. Ellis, 971 S.W.2d 402, 406-07 (Tex. 1998)
- Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986)
- GTE Mobilnet of S. Tex. Ltd. P'ship v. Pascouet, 61 S.W.3d 599, 615-16 (Tex. App.—Houston [14th Dist.] 2001, pet. denied)
- Gonzalez v. McAllen Med. Ctr., Inc., 195 S.W.3d 680, 681 (Tex. 2006) (per curiam)
- Nip v. Checkpoint Sys., Inc., 154 S.W.3d 767, 769 (Tex. App.—Houston [14th Dist.] 2004, no pet.)
- Croucher v. Croucher, 660 S.W.2d 55, 57 (Tex. 1983)
- In re Estate of Coleman, 360 S.W.3d 606, 610 (Tex. App.—El Paso 2011, no pet.)
- Osterberg v. Peca, 12 S.W.3d 31, 55 (Tex. 2000)
- Brown v. Taylor, 210 S.W.3d 648, 661 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- Huffman v. Huffman, 339 S.W.2d 885, 888 (Tex. 1960)
- Rothermel v. Duncan, 369 S.W.2d 917, 922 (Tex. 1963)
- Guthrie v. Suiter, 934 S.W.2d 820, 831 (Tex. App.—Houston [1st Dist.] 1996, no writ)
- Reynolds v. Park, 485 S.W.2d 807, 813 (Tex. Civ. App.—Amarillo 1972, writ ref'd n.r.e.)
- Cotten v. Cotten, 169 S.W.3d 824, 827 (Tex. App.—Dallas 2005, pet. denied)
- In re Neville, 67 S.W.3d 522, 524 (Tex. App.—Texarkana 2001, no pet.)
- Long v. Long, 196 S.W.3d 460, 464 (Tex. App.—Dallas 2006, no pet.)

- In re Estate of Blakes, 104 S.W.3d 333, 336 (Tex. App.—Dallas 2003, no pet.)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-texas-court-of-appeals-fourteenth-district/2015/in-the-estate-of-raul-humberto-ayala-sr-deceased-k3y97v7c>