COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT AMARILLO

Nikki Murray v. The County of Wilbarger, Texas

No. 07-25-00215-CV (Tex. App.—Amarillo May 19, 2026) · No. 07-25-00215-CV · Decided May 19, 2026

SUMMARY

The Seventh Court of Appeals of Texas affirmed the denial of Nikki Murray’s bill of review challenging a default judgment and resulting tax sale. The court held that Murray’s uncorroborated testimony that she did not receive notice of the final hearing was insufficient to overcome the presumption of proper notice, particularly where the underlying court file contained a properly addressed and mailed notice. The court also held that any challenge to judicial notice was unpreserved and that the omitted underlying file independently supported affirmance.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Texas Court of Appeals, Seventh District at Amarillo
DECIDED	May 19, 2026
DOCKET	07-25-00215-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Murray appealed the denial of her petition for bill of review seeking to set aside a default judgment entered after she failed to appear at a final tax hearing.
STANDARD OF REVIEW	Denial of a bill of review is reviewed for abuse of discretion, indulging every presumption in favor of the trial court's ruling. A trial court does not abuse its discretion by basing its decision on conflicting evidence. Because no timely findings of fact or conclusions of law were filed, the judgment is affirmed on any legal theory supported by the evidence.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified in the supplied metadata as published.
PARTIES	Nikki Murray v. The County of Wilbarger, Texas

TOPICS

civil procedure · evidence · judicial notice · standard of review · preservation of error

PRACTICE AREAS

civil procedure · appellate procedure · evidence · property tax

QUESTIONS PRESENTED

1. Whether Murray established lack of notice of the January 19, 2022 final hearing sufficient to obtain a bill of review.
2. Whether the trial court could rely on the underlying case file and take judicial notice of the notice of trial setting.
3. Whether proof of service was required to support the default judgment at trial.
4. Whether the trial court erred by refusing to reverse the tax sale and default judgment for lack of due process.

HOLDINGS

1. A plaintiff seeking a bill of review based on lack of notice must affirmatively prove the absence of notice and cannot overcome the presumption of proper notice with only uncorroborated testimony that notice was not received.
2. The trial court was authorized to take judicial notice of the entire file in the underlying case, including the notice of trial setting.
3. When evidence considered by the trial court is omitted from the appellate record, the appellate court presumes that the missing material supports the judgment, and the appellant bears the burden of bringing forward a sufficient record.
4. Because no timely findings of fact or conclusions of law were filed, the court could affirm the judgment on any legal theory supported by the evidence.

KEY QUOTATIONS

> *"Murray's uncorroborated denial is insufficient to overcome it."* (1)

> *"Service of citation is the formal process that brings a defendant into a lawsuit. Notice of a trial setting is what a party already in the lawsuit receives before a hearing."* (2)

> *"The testimony of a bill-of-review plaintiff, standing alone and without corroboration, is insufficient to overcome the presumption of proper notice."* (4)

FACTUAL BACKGROUND

Wilbarger County sued Murray for delinquent property taxes concerning her property at 1405 Houston Street in Vernon, Texas. Murray answered, appeared at hearings, and participated in an arrangement to make payments. Notice of the January 19, 2022 final hearing was addressed to Murray at her undisputed mailing address and mailed first-class, postage prepaid, on November 23, 2021, but she did not appear; the trial court entered a default judgment and the property was later sold. Murray testified in support of her bill of review that she never received notice, but offered no corroboration, while the trial court file contained the mailed notice.

PROCEDURAL HISTORY

Wilbarger County filed a delinquent-tax suit against Murray in 2016. After Murray answered, appeared, and entered into a payment arrangement, the case was set for a final hearing on January 19, 2022; the trial court entered a default judgment when she did not appear. The property was sold at a sheriff's sale in December 2022. Murray filed a bill of review in July 2023, and the trial court denied it after taking judicial notice of the underlying case file and finding that notice of the hearing had been mailed to her confirmed address. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Guardianship of Fairley, 650 S.W.3d 372, 386 (Tex. 2022)
- Woods v. Woods, No. 07-20-00233-CV, 2021 Tex. App. LEXIS 8091, at *2-3 (Tex. App.—Amarillo Oct. 4, 2021, pet. denied)
- HouseCanary, Inc. v. Title Source, Inc., 622 S.W.3d 254, 259 (Tex. 2021)
- Graves v. Tex. Comm’n on Envtl. Quality, No. 03-22-00400-CV, 2024 Tex. App. LEXIS 5970, at *3 (Tex. App.—Austin Aug. 20, 2024, no pet.) (mem. op.)
- Caldwell v. Barnes, 154 S.W.3d 93, 96-98 & n.3 (Tex. 2004) (per curiam)
- Fernandez v. Dunlap, No. 05-23-00765-CV, 2024 Tex. App. LEXIS 6403, at *11 (Tex. App.—Dallas Aug. 28, 2024, no pet.) (mem. op.)
- Gardner v. Martin, 162 Tex. 156, 345 S.W.2d 274, 276 (1961)
- Tittizer v. Union Gas Corp., 171 S.W.3d 857, 862 (Tex. 2005)
- In Interest of C.E.K., No. 07-15-00462-CV, 2016 Tex. App. LEXIS 9324, at *2-3 (Tex. App.—Amarillo Aug. 24, 2016, no pet.) (mem. op.)
- Sakonchick v. Overlook at Rob Roy Owner, LLC, No. 03-23-00085-CV, 2025 Tex. App. LEXIS 1251, at *54 (Tex. App.—Austin Feb. 27, 2025, pet. denied.) (mem. op.)
- In re K.C.B., 280 S.W.3d 888, 893 (Tex. App.—Amarillo 2009, pet. denied)