

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

Joel M. Hailey v. Joseph Paduh III, Temporary Administrator of the Estate of Joe Perry Corzine, and Stephen P. Takas Jr., Trustee of the Joe Perry Corzine Trust, and Successor Independent Executor of the Estate of James L. Corzine

Hailey · No. 04-12-00823-CV · Decided May 7, 2014

SUMMARY

The Texas Fourth Court of Appeals affirmed the portion of the summary judgment declaring the order approving the section 1162.001 trust and orders directly emanating from it null and void. The court reversed and rendered judgment for Joel M. Hailey as to the portion declaring the order appointing him guardian and orders emanating from that appointment null and void, with each party bearing its own appellate costs.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Justice Angelini; Justice Barnard; Justice Martinez
JURISDICTION	Texas
DECIDED	May 7, 2014
DOCKET	04-12-00823-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a probate-court summary judgment concerning the validity of orders approving a section 1162.001 trust and appointing Hailey as guardian.
PRECEDENTIAL VALUE	published
PARTIES	Joel M. Hailey v. Joseph Paduh III, Temporary Administrator of the Estate of Joe Perry Corzine, Deceased, Stephen P. Takas Jr., Trustee of the Joe Perry Corzine Trust, and Successor Independent Executor of the Estate of James L. Corzine, Deceased

TOPICS

- probate procedure
- trust administration
- guardianship procedure
- appellate procedure

PRACTICE AREAS

probate

trusts

guardianship

appellate procedure

QUESTIONS PRESENTED

1. Whether the probate court's summary judgment properly declared the order approving the section 1162.001 trust and orders emanating directly from it null and void.
2. Whether the probate court's summary judgment properly declared the order appointing Hailey as guardian and orders emanating directly from it null and void.

HOLDINGS

1. The summary judgment declaring the order approving the section 1162.001 trust and orders emanating directly from that order null and void was affirmed.
2. The summary judgment declaring the order appointing Hailey as guardian and orders emanating directly from it null and void was reversed, and judgment was rendered in favor of Hailey as to those orders.

KEY QUOTATIONS

“The trial court’s judgment is AFFIRMED as to the portion of the summary judgment in favor of Joseph Paduh III, Temporary Administrator of the Estate of Joe Perry Corzine, Deceased, and Stephen P. Takas Jr., Trustee of the Joe Perry Corzine Trust, and Successor Independent Executor of the Estate of James L. Corzine, Deceased, that declares the order approving the section 1162.001 trust, and the orders emanating directly from that order, null and void.”

“The trial court’s judgment is REVERSED as to the portion of the summary judgment in favor of Joseph Paduh III, Temporary Administrator of the Estate of Joe Perry Corzine, Deceased, and Stephen P. Takas Jr., Trustee of the Joe Perry Corzine Trust, and Successor Independent Executor of the Estate of James L. Corzine, Deceased, that declares the order appointing Hailey as guardian, and the orders emanating directly therefrom, null and void, and judgment is RENDERED in favor of Joel M. Hailey as to those orders.”

FACTUAL BACKGROUND

The appeal concerned the validity of an order approving a section 1162.001 trust and an order appointing Joel M. Hailey as guardian. The probate court's summary judgment declared the trust order and directly emanating orders, as well as the guardianship order and directly emanating orders, null and void.

PROCEDURAL HISTORY

The Probate Court No. 2 of Bexar County entered summary judgment in favor of Paduh and Takas, declaring the order approving the section 1162.001 trust, orders emanating directly from that order, the order appointing Hailey as guardian, and orders emanating directly from the guardianship order null and void. Hailey appealed. The Fourth Court of Appeals affirmed the portion concerning the trust and reversed and rendered judgment for Hailey as to the guardianship-related orders.

DISPOSITION

other

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