

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Leonard Gary Cylear v. Rita A. Johnson-Cylear

Cylear v. Johnson-Cylear · No. 03-25-00129-CV · Decided May 14, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed the challenged portions of a final divorce decree dividing the parties’ marital estate. The court held that no binding agreement required sale of the marital residence, that the trial court did not divest Leonard Cylear of separate property, and that the disproportionate division of community property was not an abuse of discretion. The court also held that the jury’s improperly answered conditional constructive-fraud damages question was immaterial.

CASE DETAILS

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|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Karin Crump; Chief Justice Byrne; Justice Theofanis; Justice Crump                                                                                                                                                                                                                                                                             |
| JURISDICTION          | Texas Court of Appeals, Third District, at Austin                                                                                                                                                                                                                                                                                              |
| DECIDED               | May 14, 2026                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 03-25-00129-CV                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Leonard appealed the division of the marital estate in the final divorce decree, and Rita cross-appealed the denial of her constructive-fraud reimbursement claim.                                                                                                                                                                             |
| STANDARD OF REVIEW    | The court reviewed the community-property division for abuse of discretion, reversing only if the division was manifestly unfair. Preservation and briefing issues were reviewed under the applicable Texas Rules of Appellate Procedure. The treatment of the conditional jury answer was reviewed under the governing jury-submission rules. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                                                                                                                                              |
| PARTIES               | Leonard Gary Cylear v. Rita A. Johnson-Cylear                                                                                                                                                                                                                                                                                                  |

TOPICS

- dissolution of marriage
- community property
- appellate procedure
- preservation of error
- standard of review

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the trial court improperly awarded the Camp Verde Property to Rita despite an alleged binding agreement incident to divorce requiring its sale.
2. Whether the trial court improperly divested Leonard of separate property by awarding Rita 100% of a Lockheed Martin savings account.
3. Whether the trial court abused its discretion by awarding Rita a disproportionate share of the community estate after the jury granted the divorce without regard to fault.
4. Whether Leonard's inadequately briefed challenge to orders entered without notice presented a reviewable appellate issue.
5. Whether the trial court improperly disregarded the jury's conditional finding that Leonard depleted the community estate by \$347,000 through transfers, gifts, or expenditures.

## HOLDINGS

1. The alleged agreement did not bind the trial court or prevent Rita from repudiating an agreement to sell the Camp Verde Property before rendition of the divorce decree. The temporary orders and an unsigned Rule 11 document did not establish an enforceable section 7.006 agreement, and the listing agreement did not make the alleged sale agreement binding under another rule of law.
2. The appellate complaint was not preserved, and the record in any event showed that the trial court did not divest Leonard of his separate-property interest in the Lockheed Martin account. The court awarded Leonard the entire account, including his separate-property portion and the community portion.
3. The trial court did not abuse its discretion by awarding Rita a disproportionate share of the community estate. A no-fault divorce does not preclude the trial court from considering marital fault, along with other relevant factors, in making a just-and-right property division.
4. Leonard's fourth issue presented nothing for appellate review because his brief stated the issue but supplied no supporting argument or authorities.
5. The trial court properly disregarded the jury's \$347,000 answer because the predicate condition for answering the damages question was not met. The answer was an immaterial voluntary finding and did not conflict with the jury's affirmative finding that Leonard's transfers, gifts, or expenditures were fair.

## KEY QUOTATIONS

*“This listing agreement did not serve to make any agreement by Leonard and Rita to sell the Camp Verde Property “binding under another rule of law” as required to prohibit Rita from repudiating such agreement before rendition of the final divorce decree.” (at 5)*

*“A property division need not be equal and may take into consideration many factors” (at 9)*

*“The jury’s answer to Question 10 was immaterial and, therefore, could not create a conflict between jury answers.” (at 13)*

## FACTUAL BACKGROUND

Leonard and Rita married in January 2015, separated in May 2021, and pursued a divorce based primarily on insupportability. During the case, temporary orders required the marital residence, the Camp Verde Property, to be listed for sale, but no signed agreement to sell the property, purchase offer, or sales contract appeared in the appellate record. After a jury determined various separate-property, community-property, transfer, and attorney-fee issues, the trial court divided the remaining marital estate and awarded the Camp Verde Property to Rita. The jury also answered a conditional constructive-fraud damages question despite answering the predicate fairness question affirmatively.

## PROCEDURAL HISTORY

Leonard filed for divorce in the 480th District Court of Williamson County, and Rita filed a counterpetition. After temporary orders concerning the marital residence, a two-day jury trial was held on several property and fraud-related issues, while the division of real property and remaining issues were tried to the bench. The trial court entered a final divorce decree in February 2025, and both parties appealed.

## DISPOSITION

affirmed

## CASES CITED

- *Clanin v. Clanin*, 918 S.W.2d 673, 676-77 (Tex. App.—Fort Worth 1996, no writ)
- *Boyd v. Boyd*, 67 S.W.3d 398, 406 (Tex. App.—Fort Worth 2002, no pet.)
- *Kerr-McGee Corp. v. Helton*, 133 S.W.3d 245, 251 (Tex. 2004)
- *McKnight v. McKnight*, 543 S.W.2d 863, 866 (Tex. 1976)
- *Mann v. Mann*, 607 S.W.2d 243, 245 (Tex. 1980)
- *Murff v. Murff*, 615 S.W.2d 696, 698-99 (Tex. 1981)
- *Paez v. Rodriguez*, No. 03-24-00731-CV, 2025 WL 2325163, at \*3 (Tex. App.—Austin Aug. 13, 2025, no pet.) (mem. op.)
- *Cyree v. Cyree*, No. 03-21-00319-CV, 2022 WL 17835215, at \*4 (Tex. App.—Austin Dec. 22, 2022, no pet.) (mem. op.)
- *Mohindra v. Mohindra*, No. 14-06-00056-CV, 2007 WL 3072057, at \*2 (Tex. App.—Houston [14th Dist.] Oct. 23, 2007, no pet.) (mem. op.)
- *In re Brown*, 187 S.W.3d 143, 146 (Tex. App.—Waco 2006, no pet.)
- *Bishop v. Bishop*, No. 14-02-00132-CV, 2003 WL 21229476, at \*3 (Tex. App.—Houston [14th Dist.] May 29, 2003, no pet.) (mem. op.)
- *Gonzalez v. VATR Constr. LLC*, 418 S.W.3d 777, 784 (Tex. App.—Dallas 2013, no pet.)
- *Urquhart v. Marsaw*, No. 05-19-00855-CV, 2020 WL 3046202, at \*1 (Tex. App.—Dallas June 8, 2020, no pet.) (mem. op.)
- *Turner v. Precision Surgical, L.L.C.*, 274 S.W.3d 245, 249 (Tex. App.—Houston [1st Dist.] 2008, no pet.)

- American Recreational Markets Gen. Agency, Inc. v. Hawkins, 846 S.W.2d 476, 478 (Tex. App.—Houston [14th Dist.] 1993, no pet.)
- Trinity Indus., Inc. v. Ashland, Inc., 53 S.W.3d 852, 863 (Tex. App.—Austin 2001, pet. denied)

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