

SIXTH COURT OF APPEALS OF TEXAS AT TEXARKANA

Leta York v. Todd Boatman

York v. Boatman · No. 06-15-00030-CV · Decided October 5, 2015

SUMMARY

This document is a motion by Leta York to extend the deadline for filing an appellant's brief in an appeal concerning title to land. The motion requests a 14-day extension and states that opposing counsel agrees, citing counsel's family death and litigation obligations as good cause.

CASE DETAILS

COURT	Sixth Court of Appeals of Texas at Texarkana
JURISDICTION	Texas
DECIDED	October 5, 2015
DOCKET	06-15-00030-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a first motion to extend the deadline for filing appellant's brief in a civil appeal concerning title to land.
PRECEDENTIAL VALUE	not determinable from source; document is a motion rather than a substantive opinion
PARTIES	Leta York v. Todd Boatman

TOPICS

- appellate procedure
- real estate
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Real estate

QUESTIONS PRESENTED

1. Whether appellant established good cause for a 14-day extension of the deadline to file appellant's brief.

FACTUAL BACKGROUND

The underlying appeal is a civil case involving title to land, with no issue concerning immediate possession. Appellant stated that counsel experienced a death in the family during the preceding 30 days and had extensive

preparation obligations for an unanticipated jury trial and other hearings. Counsel represented that the appellee agreed to the requested 14-day extension.

PROCEDURAL HISTORY

The appeal was taken from the 62nd Judicial District Court of Hopkins County, Texas, in cause number CV 41400. Notice of appeal was given on June 19, 2015; the clerk's record was filed July 23, 2015, and the reporter's record was filed September 4, 2015. Appellant's brief was due October 5, 2015, and appellant requested a 14-day extension to October 19, 2015.

DISPOSITION

other

OPINION

PER CURIAM.

ACCEPTED 06-15-00030-CV SIXTH COURT OF APPEALS TEXARKANA, TEXAS 10/5/2015 1:30:04 PM DEBBIE AUTREY CLERK NO. 06-15-00030 FILED IN 6th COURT OF APPEALS LETA YORK IN THE TEXARKANA, TEXAS Appellant, 10/5/2015 1:30:04 PM DEBBIE AUTREY V. SIXTH COURT Clerk TODD BOATMAN Appellee. OF APPEALS FIRST MOTION TO EXTEND TIME TO FILE APPELLANT'S SR1KF TO THE HONORABLE JUSTICES OF SAID COURT: Now comes Leta York, Appellant in the above styled and numbered cause, and moves this Court to grant an extension of time to file appellant's brief, pursuant to Rule 38, 6 of the Texas Rules of Appellate Procedure, and for good cause shows the following: 1.

This case is on appeal from the 62ND Judicial District Court of Hopkins County, Texas. 2. The case below was styled Leta York vs. Todd Boatman, and numbered CV 41400. 3. This is a civil case involving title to land. There is no question for immediate possession of the land. 4. Notice of appeal was given on JUNE 19, 2015. 5, The clerk's record was filed on July 23, 2015; the reporter's record was filed on September 4, 2015, 6.

The appellate brief is presently due on October 5, 2015. 7. Appellant requests an extension of time of 14 days from the present date, i.e. October 19, 2015. 8. No extension to file the brief has been received in this cause. 9, Appellant relies on the following facts as good cause for the requested extension: Appellant's attorney has had a death in the family during the last 30 days and has had extensive preparation for a jury trial and other hearings that were not originally foreseen.

He is almost complete with the brief, but needs just a few more days to complete it. Appellee is in agreement with this extension, WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this Motion To Extend Time to File Appellant's Brief, and for such other and

further relief as the Court may deem appropriate. Respectfully submitted, SMITH k, SMITH LAW FIRM 300 Oak Avenue Sulphur Springs, TX 75482 Tel: (903) 439-3000 Fax; (903) 439-3110 By'.

Phil Smith State Bar No. 18664400 p smith 300@hotmail. corn Attorney for Leta York
CERTIFICATE OF SERVICE This is to certify that on October 5, 2015, a true and correct copy of the above and foregoing document was served on Larry A. Powers by fax to 903-885-1199. Phil Smith CERTIFICATE OF CONFERENCE This is to certify that I have personally spoken to the other attorne, Larry A. Powers, and he has agreed to this request for extension of time to file Appellant's brief, Phil Smit STATE OF TEXAS COUNTY OF HOPKINS AFFIDAVIT BEFORE ME, the undersigned authority, on this day personally appeared Phil Smith, who after being duly sworn stated; "I am the attorney for the appellant in the above numbered and entitled cause, I have read the foregoing Motion To Extend Time to File Appellant's Brief and swear that all of the allegations of fact contained therein are true and correct. " Phil Smith Affiant SUBSCRIBED AND SWORN TO BEFORE ME on IQQA. ~ Ma 2015, to certify which witness my hand and seal of office.

WK E. SMITH No Public, tate of Texas MY COMMISSION EXPIRES Febnwyt4, 3Ile