

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Rob McCready v. Joel Mayor and Beth Mayor

No. 03-23-00845-CV · No. 03-23-00845-CV · Decided November 26, 2025

SUMMARY

The Texas Court of Appeals, Third District, held that Texas lacked specific personal jurisdiction over a California property owner sued by Texas residents for breach of a vacation-rental contract concerning California property. The court reversed the order denying the special appearance and rendered judgment dismissing the suit against the defendant.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Gisela D. Triana, Justice; Justice Kelly; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	November 26, 2025
DOCKET	03-23-00845-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order denying a nonresident defendant's special appearance challenging personal jurisdiction.
STANDARD OF REVIEW	The exercise of personal jurisdiction is reviewed de novo as a question of law. When the trial court makes no findings of fact or conclusions of law, factual disputes are generally implied in favor of the ruling, but implied findings may be challenged for legal and factual sufficiency when the appellate record includes the reporter's and clerk's records.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; precedential value not established in the opinion text.
PARTIES	Rob McCready v. Joel Mayor, Beth Mayor

TOPICS

- personal jurisdiction
- appellate procedure
- civil procedure
- due process

PRACTICE AREAS

- civil procedure
- constitutional law
- contracts

QUESTIONS PRESENTED

1. Whether the Texas district court could exercise specific personal jurisdiction over California resident Rob McCready based on his online advertisement and rental agreement with Texas residents for property located in California.
2. Whether McCready's contacts with Texas constituted purposeful availment sufficient to satisfy the Texas long-arm statute and federal due-process requirements.

HOLDINGS

1. The Mayors' allegations that McCready was conducting business in Texas, entered into a rental agreement with them, accepted approximately \$3,182.80, and failed to perform or return the payment were sufficient to satisfy the minimal pleading requirement and bring McCready within the scope of the Texas long-arm statute.
2. Texas lacked specific personal jurisdiction over McCready because his contract with Texas residents concerned California property, his general online advertising was not directed at Texas, and the payment and refund-related contacts with Texas were merely fortuitous rather than purposeful availment.

KEY QUOTATIONS

“Merely contracting with a Texas resident does not satisfy the minimum contacts requirement.” (at 8)

“Accordingly, McCready’s advertising of his property does not establish that he purposefully availed himself of the privilege of conducting business in Texas.” (at 9)

“Based on the record before us, we conclude that the evidence negates the Mayors’ allegation that the district court had specific jurisdiction over McCready in this case.” (at 9)

FACTUAL BACKGROUND

Joel and Beth Mayor, Texas residents, booked through VRBO a vacation rental owned by California resident Rob McCready and located in South Lake Tahoe, California. They paid approximately \$3,182 under the rental agreement, but California lockdown restrictions prevented them from staying at the property; apart from a \$500 security deposit, they alleged that McCready did not refund their payment. McCready had never lived, worked, owned property, operated a business, maintained an office, or visited Texas during the relevant period, and the rental was advertised through general VRBO and Airbnb listings rather than Texas-targeted marketing.

PROCEDURAL HISTORY

The Mayors sued California resident Rob McCready in Texas for breach of a contract involving a California vacation rental. After McCready failed to answer, the Mayors obtained a default judgment, which the court previously reversed in a restricted appeal because the record did not affirmatively show strict compliance with statutory service requirements. On remand, McCready filed a special appearance; the district court denied it without findings or conclusions, and McCready appealed. The court of appeals reversed and rendered judgment dismissing the suit against McCready.

DISPOSITION

REMAND INSTRUCTIONS

The court of appeals reversed the order denying the special appearance and rendered judgment dismissing the suit against McCready. No further remand instructions were given.

CASES CITED

- McCready v. Mayor, No. 03-22-00322-CV, 2023 WL 4495222, at *1 (Tex. App.—Austin July 13, 2023, no pet.) (mem. op.)
- Luciano v. SprayFoamPolymers.com, LLC, 625 S.W.3d 1, 7-9 (Tex. 2021)
- Spir Star AG v. Kimich, 310 S.W.3d 868, 871, 873 (Tex. 2010)
- CSR Ltd. v. Link, 925 S.W.2d 591, 594 (Tex. 1996)
- American Type Culture Collection, Inc. v. Coleman, 83 S.W.3d 801, 806 (Tex. 2002)
- Moncrief Oil Int'l, Inc. v. OAO Gazprom, 414 S.W.3d 142, 150 (Tex. 2013)
- BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789, 795 (Tex. 2002)
- Moki Mac River Expeditions v. Drugg, 221 S.W.3d 569, 575, 577 (Tex. 2007)
- Kelly v. General Interior Constr., Inc., 301 S.W.3d 653, 658-59 (Tex. 2010)
- TV Azteca v. Ruiz, 490 S.W.3d 29, 36-37 (Tex. 2016)
- Retamco Operating, Inc. v. Republic Drilling Co., 278 S.W.3d 333, 337 (Tex. 2009)
- Guardian Royal Exch. Assurance, Ltd. v. English China Clays, P.L.C., 815 S.W.2d 223, 226 (Tex. 1991)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1022 (2021)
- Hanson, Executrix, et al. v. Denckla et al., Hanson v. Denckla, 357 U.S. 235, 253 (1958)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 475-76, 478 (1985)
- Michiana Easy Livin' Country, Inc. v. Holten, 168 S.W.3d 777, 784-86 (Tex. 2005)
- Gaddy v. Fenenbock, 652 S.W.3d 860, 871 (Tex. App.—El Paso 2022, no pet.)
- Siemens AG v. Houston Cas., 127 S.W.3d 436, 440 (Tex. App.—Dallas 2004, pet. dism'd)
- Internet Advert. Grp., Inc. v. Accudata, Inc., 301 S.W.3d 383, 389 (Tex. App.—Dallas 2009, no pet.)
- Buffet Partners, L.P. v. Sheffield Square, L.L.C., 256 S.W.3d 920, 924 (Tex. App.—Dallas 2008, no pet.)
- Riverside Exps., Inc. v. B.R. Crane & Equip., LLC, 362 S.W.3d 649, 655 (Tex. App.—Houston [14th Dist.] 2011, pet. denied)