

FOURTH COURT OF APPEALS, SAN ANTONIO, TEXAS

Christopher Ray Carpenter v. Catherine Carpenter

No. 04-24-00817-CV · No. 04-24-00817-CV · Decided April 8, 2026

SUMMARY

The Fourth Court of Appeals of Texas reversed a default divorce judgment and remanded for further proceedings. The court held that the appellant’s post-judgment motion was reviewable and that his uncontroverted affidavits satisfied the Craddock elements for setting aside the default judgment. The court concluded that the trial court abused its discretion by refusing to grant a new trial.

CASE DETAILS

COURT	Fourth Court of Appeals, San Antonio, Texas
WRITING FOR THE COURT	Lori Massey Brissette, Justice; Adrian Spears II, Justice; Velia J. Meza, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	April 8, 2026
DOCKET	04-24-00817-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Christopher Ray Carpenter appealed the denial of his motion to modify or reform a divorce default judgment or, alternatively, for a new trial.
STANDARD OF REVIEW	A trial court's refusal to grant a motion for new trial is reviewed for abuse of discretion. When all Craddock elements are satisfied, the trial court has no discretion but to grant a new trial.
PRECEDENTIAL VALUE	Published memorandum opinion; treated as precedential according to the provided metadata.
PARTIES	Christopher Ray Carpenter v. Catherine Carpenter

TOPICS

- default judgment
- motion for new trial
- divorce
- child custody
- appellate procedure

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether Christopher waived appellate review of the denial of his motion for new trial by failing to obtain an evidentiary hearing before the motion was overruled by operation of law.
2. Whether Christopher satisfied the Craddock requirements for setting aside the no-answer default judgment and obtaining a new trial.
3. Whether the evidence was insufficient to support the default judgment's property, support, visitation, injunction, and attorney's-fees provisions.
4. Whether the trial court abused its discretion by divesting Christopher of his equitable interest in the marital home in lieu of retroactive child support.

HOLDINGS

1. Christopher did not waive review of the denial of his motion for new trial because he sought a hearing before the motion was overruled by operation of law and again while the trial court retained plenary power, giving the trial court an opportunity to rule on the merits.
2. Christopher satisfied all three Craddock elements, so the trial court abused its discretion by refusing to grant a new trial.

KEY QUOTATIONS

“Default judgments are ‘greatly disfavor[ed]’ under Texas law, consistent with the strong policy preference for adjudicating cases on the merits.” (at 4)

“A trial court has no discretion but to grant a motion for new trial if all of the elements set forth in Craddock v. Sunshine Bus Lines, Inc., 133 S.W.2d 124, 126 (Tex. [Comm’n Op.] 1939) are satisfied.” (at 4)

“The controlling fact is the ‘absence of an intentional failure to answer rather than a real excuse for not answering.’” (at 6)

FACTUAL BACKGROUND

Catherine Carpenter obtained a no-answer default judgment in a divorce proceeding involving property, conservatorship, possession of and access to a twelve-year-old child, child support, spousal support, an injunction, and attorney's fees. Christopher's affidavit stated that he emailed the served petition to his attorney, but an electronic-mail problem prevented the attorney from receiving it. Christopher and his attorney submitted uncontroverted affidavits explaining the failure to answer, and Christopher also alleged defenses concerning visitation, injunctive relief, and spousal maintenance and asserted that Catherine would not be prejudiced by a new trial.

PROCEDURAL HISTORY

Catherine Carpenter filed a divorce action and served Christopher Carpenter with her Second Amended Original Petition on July 2, 2024. The trial court entered a no-answer default judgment on August 21, 2024, addressing conservatorship, visitation, child support, spousal support, division of the marital home, injunctive relief, and attorney's fees. Christopher filed an answer, then moved to modify or reform the judgment or obtain a new trial;

after the motion was overruled by operation of law, the trial court denied reconsideration. Christopher appealed, and the court of appeals reversed and remanded because the Craddock requirements for a new trial were satisfied.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for further proceedings in accordance with the opinion, including a new trial.

CASES CITED

- Fluty v. Simmons Co., 835 S.W.2d 664, 667-68 (Tex. App.—Dallas 1992, no pet.)
- Shamrock Roofing Supply, Inc. v. Mercantile Nat'l Bank, 703 S.W.2d 356, 357 (Tex. App.—Dallas 1985, no writ.)
- Limestone Const., Inc. v. Summit Commercial Indus. Properties, Inc., 143 S.W.3d 538, 546 (Tex. App.—Austin 2004, no pet.)
- Smith v. Holmes, 53 S.W.3d 815, 817-18 (Tex. App.—Austin 2001, pet. denied)
- Strackbein v. Prewitt, 671 S.W.2d 37, 38-39 (Tex. 1984)
- Continental Carbon Co. v. Sea-Land Serv., Inc., 27 S.W.3d 184, 188 (Tex. App.—Dallas 2000, pet. denied)
- Tabakman v. Tabakman, 728 S.W.3d 703, 707-08 (Tex. 2025), reh'g denied (Feb. 27, 2026)
- In re Lakeside Resort JV, LLC, 689 S.W.3d 916, 921-22, 925 (Tex. 2024)
- Dolgencorp of Tex., Inc. v. Lerma, 288 S.W.3d 922, 925-26 (Tex. 2009) (per curiam)
- Old Republic Ins. Co. v. Scott, 873 S.W.2d 381, 382 (Tex. 1994) (per curiam)
- Sutherland v. Spencer, 376 S.W.3d 752, 754-55 (Tex. 2012)
- Holt Atherton Industries, Inc. v. Heine, 835 S.W.2d 80, 82-83 (Tex. 1992)
- Hidalgo Cnty. Emergency Serv. Found. v. Mejia, No. 13-16-00576-CV, 2018 WL 2731881, at *5 (Tex. App.—Corpus Christi—Edinburg June 7, 2018, pet. denied)
- In re R.R., 209 S.W.3d 112, 115 (Tex. 2006)
- Fidelity & Guar. Ins. Co. v. Drewery Constr. Co., 186 S.W.3d 571, 576 (Tex. 2006)
- Milestone Operating, Inc. v. ExxonMobil Corp., 388 S.W.3d 307, 310 (Tex. 2012)
- Matter of Marriage of Williams, 646 S.W.3d 542, 544-45 (Tex. 2022)
- Sexton v. Sexton, 737 S.W.2d 131, 133 (Tex. App.—San Antonio 1987, no writ.)