

COURT OF APPEALS FOR THE FOURTH DISTRICT OF TEXAS

**Leticia R. Benavides v. Shirley Hale Mathis, as Temporary Guardian
of the Estate of Carlos Y. Benavides, Jr., Carlos Y. Benavides III,
Tomas Benavides and Ana B. Galo, as Co-Trustees of the Benavides
Family Mineral Trust**

No. 04-13-00186-CV; Trial Court No. 2012-CVQ-000427-D4 · No. No. 04-13-00186-CV · Decided December
29, 2014

SUMMARY

This document is a mandate and bill of costs issued by the Texas Court of Appeals for the Fourth District in an appeal from the 406th Judicial District Court of Webb County. The appellate court affirmed the trial court's order granting traditional and no-evidence summary judgment in favor of Shirley Hale Mathis and assessed the appellate costs against Leticia R. Benavides.

CASE DETAILS

COURT	Court of Appeals for the Fourth District of Texas
JURISDICTION	Texas
DECIDED	December 29, 2014
DOCKET	No. 04-13-00186-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the 406th Judicial District Court of Webb County concerning the trial court's February 27, 2013 order granting traditional and no-evidence summary judgment in favor of Shirley Hale Mathis, as temporary guardian of the estate of Carlos Y. Benavides, Jr.
PRECEDENTIAL VALUE	published
PARTIES	Leticia R. Benavides v. Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr., Carlos Y. Benavides III, Tomas Benavides, as Co-Trustee of the Benavides Family Mineral Trust, Ana B. Galo, as Co-Trustee of the Benavides Family Mineral Trust

TOPICS

appellate procedure

summary judgment

guardianships

trusts

minerals

PRACTICE AREAS

appellate procedure

guardianships

trusts

mineral rights

QUESTIONS PRESENTED

1. Whether the trial court's February 27, 2013 order granting traditional and no-evidence summary judgment should be affirmed.

HOLDINGS

1. The trial court's February 27, 2013 order granting traditional and no-evidence summary judgment in favor of Shirley Hale Mathis, as temporary guardian of the estate of Carlos Y. Benavides, Jr., was affirmed.

KEY QUOTATIONS

“In accordance with this court’s opinion of this date, the trial court’s February 27, 2013 Order Granting Traditional and No Evidence Summary Judgment in favor of Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr. is AFFIRMED.”

FACTUAL BACKGROUND

The document is a mandate and bill of costs rather than the court's merits opinion. It indicates that the underlying dispute involved Leticia R. Benavides and Shirley Hale Mathis, acting as temporary guardian of the estate of Carlos Y. Benavides, Jr., along with co-trustees of the Benavides Family Mineral Trust.

PROCEDURAL HISTORY

The appeal was taken from the 406th Judicial District Court of Webb County under trial court cause number 2012-CVQ-000427-D4. The Court of Appeals for the Fourth District of Texas affirmed the trial court's February 27, 2013 order granting traditional and no-evidence summary judgment and awarded appellate costs against Leticia R. Benavides. The mandate was issued on December 29, 2014.

DISPOSITION

affirmed

OPINION

PER CURIAM.

MANDATE THE STATE OF TEXAS TO THE 406TH JUDICIAL DISTRICT COURT OF WEBB COUNTY, GREETINGS: Before our Court of Appeals for the Fourth District of Texas on February 12, 2014, the cause upon appeal to revise or reverse your judgment between Leticia R.

Benavides, Appellant V. Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr., Carlos Y. Benavides III, Tomas Benavides and Ana B. Galo, as Co-Trustees of the Benavides Family Mineral Trust, Appellee No. 04-13-00186-CV and Tr.

Ct. No. 2012-CVQ-000427-D4 was determined, and therein our said Court of Appeals made its order in these words: In accordance with this court's opinion of this date, the trial court's February 27, 2013 Order Granting Traditional and No Evidence Summary Judgment in favor of Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr. is AFFIRMED.

It is ORDERED that Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr. recover her costs of this appeal from Leticia R. Benavides. WHEREFORE, WE COMMAND YOU to observe the order of our said Court of Appeals for the Fourth District of Texas, in this behalf and in all things have the order duly recognized, obeyed, and executed.

WITNESS the Hon. Catherine Stone, Chief Justice of the Court of Appeals for the Fourth District of Texas, with the seal of the Court affixed and the City of San Antonio on December 29, 2014. KEITH E. HOTTLE, CLERK _____ Cynthia A. Martinez Deputy Clerk, Ext. 3853 BILL OF COSTS TEXAS COURT OF APPEALS, FOURTH DISTRICT, AT SAN ANTONIO No. 04-13-00186-CV Leticia R. Benavides v. Shirley Hale Mathis, as Temporary Guardian of the Estate of Carlos Y. Benavides, Jr., Carlos Y. Benavides III, Tomas Benavides and Ana B. Galo, as Co-Trustees of the Benavides Family Mineral Trust (NO.

2012-CVQ-000427-D4 IN 406TH JUDICIAL DISTRICT COURT OF WEBB COUNTY) TYPE OF FEE CHARGES PAID BY MOTION FEE \$15.00 E-PAID CARLOS ZAFFIRINI MOTION FEE \$15.00 E-PAID CARLOS ZAFFIRINI MOTION FEE \$10.00 E-PAID CARLOS ZAFFIRINI COPIES \$5.00 PAID ZAFFIRINI MOTION FEE \$10.00 PAID PERSON WHITWORTH BORCHERS & MORALES MOTION FEE \$10.00 PAID PERSON WHITWORTH BORCHERS & MORALES MOTION FEE \$10.00 PAID PERSON WHITWORTH BORCHERS & MORALES MOTION FEE \$10.00 E-PAID DIANE ST. YVES MOTION FEE \$10.00 E-PAID CARLOS M. ZAFIRINI INDIGENCY FILING FEE \$25.00 PAID C. M. ZAFFIRINI REPORTER'S RECORD \$401.00 PAID DEBRA CAMERON FILING \$100.00 PAID C. M. ZAFFIRINI SUPREME COURT CHAPTER 51 FEE \$50.00 PAID C. M. ZAFFIRINI MOTION FEE \$10.00 E-PAID DIANE MARIE ST. IVES Balance of costs owing to the Fourth Court of Appeals, San Antonio, Texas: 0.00 Court costs in this cause shall be paid as per the Judgment issued by this Court.

I, KEITH E. HOTTLE, CLERK OF THE FOURTH COURT OF APPEALS OF THE STATE OF TEXAS, do hereby certify that the above and foregoing is a true and correct copy of the cost bill of THE COURT OF APPEALS FOR THE FOURTH DISTRICT OF TEXAS, showing the charges and payments, in the above numbered and styled cause, as the same appears of record in this

office. IN TESTIMONY WHEREOF, witness my hand and the Seal of the COURT OF APPEALS for the Fourth District of Texas, this December 29, 2014.

KEITH E. HOTTLE, CLERK _____ Cynthia A. Martinez Deputy
Clerk, Ext. 3853

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