

COURT OF CIVIL APPEALS OF TEXAS

Atkins v. Needham

321 S.W.2d 123 (Tex. Civ. App. 1959) · Decided February 6, 1959

SUMMARY

The court affirmed a judgment awarding title and possession of disputed land to A. R. Atkins, Jessie Bell Atkins, and Mack Needham. It held that no appeal had been perfected from the probate orders concerning Commo Atkins's wills, and that those orders remained effective. The court concluded that, even if the deeds executed shortly before Commo Atkins's death were invalidated, title would pass under the probated will and a subsequent quitclaim deed.

CASE DETAILS

COURT	Court of Civil Appeals of Texas
WRITING FOR THE COURT	Dixon, Chief Justice
JURISDICTION	Texas
DECIDED	February 6, 1959
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from a judgment entered after the trial court withdrew the case from the jury and rendered judgment that plaintiffs take nothing, while awarding defendants title and possession of the disputed properties and removing clouds from defendants' titles.
STANDARD OF REVIEW	The appellate court reviewed whether the trial court properly withdrew the case from the jury and entered judgment for defendants where the material facts were undisputed.
PRECEDENTIAL VALUE	published state intermediate appellate opinion
PARTIES	Ethel Atkins, Juanell Barber, E. L. Barber v. A. R. Atkins, Jessie Bell Atkins, Mack Needham

TOPICS

- title disputes
- deeds
- probate procedure
- appellate procedure
- civil procedure

PRACTICE AREAS

- real estate
- probate
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the trial court erred in treating the probate orders as effective when appellants claimed appeals from those orders were pending.
2. Whether the trial court properly admitted A. R. Atkins's quitclaim deed to Mack Needham.
3. Whether the probate court's orders could support defendants' title when Mack Needham was not an heir of Commo Atkins.
4. Whether the probate court lacked jurisdiction because Commo Atkins had already conveyed the property before executing his will.
5. Whether the evidence raised a fact issue concerning Commo Atkins's mental competency when he executed the deeds, such that withdrawing the case from the jury was improper.
6. Whether defendants were entitled to title and possession even if the August 4, 1954 deeds were cancelled.

HOLDINGS

1. The probate orders remained in full force and effect because no appeal from either order had been perfected.
2. The trial court properly withdrew the case from the jury and entered judgment for defendants.
3. Cancellation of the August 4 deeds was immaterial to the outcome because, even if the deeds were nullities, A. R. Atkins would have acquired the property under Commo Atkins's October 15 will and Mack Needham would have acquired the relevant property through A. R. Atkins's subsequent quitclaim deed.
4. The trial court properly admitted the quitclaim deed because defendants had been required to file abstracts of title and the deed was among the instruments identified in Needham's abstract.

KEY QUOTATIONS

“Since no appeal was perfected from the order of the Probate Court probating the will of October 15, 1954, and no appeal was perfected from the order denying the probate of the alleged will of October 25, 1954, both of said orders remain in full force and effect.” (126)

“But in the light of subsequent events the cancellation of the two deeds has become immaterial to the outcome of this lawsuit.” (126-127)

FACTUAL BACKGROUND

Commo Atkins, who had previously been hospitalized for mental illness, was judicially found to have been restored to his right mind on April 26, 1954. He executed deeds on August 4, 1954, conveying two tracts of land to Mack Needham and to A. R. Atkins and Jessie Bell Atkins. After Commo Atkins died, the probate court admitted his October 15, 1954 will, which left essentially all of his estate to A. R. Atkins, and denied probate of a later will offered by Juanell Barber. A. R. Atkins later executed a quitclaim deed conveying his interest in the property to Mack Needham.

PROCEDURAL HISTORY

The plaintiffs sought cancellation of two deeds executed by Commo Atkins, damages for rental value, and other relief, alleging mental incompetence, fraud, coercion, undue influence, and lack of consideration. Defendants filed cross-actions in the nature of trespass to try title and suits to remove cloud from title. After withdrawing the case from the jury, the trial court rendered judgment for defendants. The Court of Civil Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- King v. Payne, Tex. Civ. App., 287 S.W.2d 293, 294
- King v. Payne, Tex., 292 S.W.2d 331, 334-335