

**COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH**

**Scott's Big Truck Sales, LLC; Don's Big Truck Sales, LLC; Donald
R. Scott; and Johnny A. Scott v. Automotive Finance Corporation**

No. 02-19-00304-CV, Court of Appeals for the Second Appellate District of Texas at Fort Worth (December 17,
2020)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth No. 02-19-00304-CV SCOTT'S BIG TRUCK SALES, LLC; § On Appeal from the 96th District Court DON'S BIG TRUCK SALES, LLC; DONALD R. SCOTT; AND JOHNNY A. § of Tarrant County (096-291366-17) SCOTT, Appellants V. § December 17, 2020 AUTOMOTIVE FINANCE § Memorandum Opinion by Justice Gabriel CORPORATION, Appellee JUDGMENT This court has considered the record on appeal in this case and holds that there was error in part of the trial court's judgment.

It is ordered that the judgment of the trial court is affirmed in part and reversed in part. We affirm that portion of the trial court's judgment that awards damages for breach of contract and breach of guaranty to Automotive Finance Corporation from Scott's Big Truck Sales, LLC, Don's Big Truck Sales, LLC, Donald R. Scott, and Johnny A. Scott.

We also affirm that portion of the trial court's judgment awarding additional damages to Automotive Finance Corporation from Scott's Big Truck Sales, LLC, and Don's Big Truck Sales, LLC, under Indiana Code Section 34-24-3-1.

We reverse that portion of the trial court's judgment that awards Automotive Finance Corporation \$8,828.72 in additional damages from Donald R. Scott and \$22,800 in additional damages from Johnny A. Scott under Indiana Code Section 34-24-3-1.

We also reverse the attorney's fees award. We remand this case to the trial court for further proceedings consistent with this opinion. It is further ordered that Scott's Big Truck Sales, LLC, and Don's Big Truck Sales, LLC, shall pay three-fourths of the costs of this appeal, and Automotive Finance Corporation shall pay one-fourth of the costs of this appeal, for which let execution issue.

SECOND DISTRICT COURT OF APPEALS By /s/ Lee Gabriel Justice Lee Gabriel

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-for-the-second-appellate-district-of-texas-at-fort-worth/2020/scott-s-big-truck-sales-llc-don-s-big-truck-sales-llc-wlwayz1c>