

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Ronnie Lee Natho, Sr. v. Rosie May Shelton

Natho · No. 03-11-00661-CV · Decided July 2, 2014

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-11-00661-CV Ronnie Lee Natho, Sr., Appellant v. Rosie May Shelton, Appellee FROM THE DISTRICT COURT OF LLANO COUNTY, 424TH JUDICIAL DISTRICT NO. 16226, HONORABLE DANIEL H. MILLS, JUDGE PRESIDING SUPPLEMENTAL OPINION On September 8, 2011, the district court entered judgment against appellant, awarding appellee \$87,296.00 in actual damages, \$20,000 in exemplary damages, and \$35,000 in attorney's fees.

On May 30, 2014, we issued a memorandum opinion reversing and rendering judgment that appellee is not entitled to attorney's fees or a constructive trust on Natho's homestead and holding that the evidence was insufficient to support the full amount of actual damages awarded.

We therefore suggested a remittitur in the amount of \$54,199.89 and informed the parties that if appellee timely filed a remittitur in that amount with the district court, we would reform the portion of the trial court's judgment awarding actual damages and accordingly affirm that portion of the judgment, as reformed, and affirm the judgment in all other respects except those on which we reversed and rendered judgment.

Appellee has informed this Court that it has filed a remittitur of \$54,199.89 with the clerk of the district court. Accordingly, we (1) reverse the district court's judgment awarding appellee attorney's fees and a constructive trust on Natho's homestead and render that appellee take nothing on those claims; (2) reform the actual damages portion of the judgment of the district court to award appellee \$33,096.11 in actual damages instead of the original \$87,296.00 awarded and, as so reformed, affirm its judgment on that claim; and (3) affirm the district court's judgment in all other respects. _____ David Puryear, Justice Before Justices Puryear, Pemberton, and Rose Affirmed in part; Reformed in part and, as Reformed, Affirmed; Reversed and Rendered in part Filed: July 2, 2014 2