AFFIRMED; Opinion Filed June 16, 2016.

[SEAL]

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-14-01329-CV

ALBERT LUTTERODT, Appellant
V.
EMILY LANE OWNERS ASSOCIATION, INC., ENVISION REALTY GROUP, LLC, AND JACKSON POTTER, Appellees

---

On Appeal from the 134th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-12-12648-G

MEMORANDUM OPINION

Before Justices Myers, Stoddart, and Whitehill
Opinion by Justice Stoddart

Albert Lutterodt appeals from an adverse judgment rendered in favor of Emily Lane Owners Association, Inc. (HOA), Envision Realty Group, LLC (Envision Realty), and Jackson Potter. In five issues, Lutterodt argues the trial court erred by denying his motion for judgment notwithstanding the verdict (JNOV) and motion for new trial, giving the jury an erroneous instruction, entering judgment against him

for defamation, and allowing his attorney to withdraw before trial. We affirm the trial court's judgment.

FACTUAL BACKGROUND

Potter owns Envision Realty, which provided property management services to the HOA. Through an entity, Lutterodt owns several properties at Emily Lane, and was on the board of directors for the HOA from 2009 through 2011. In 2010, Lutterodt served as treasurer of the board; he served as president in 2011.

The dispute among the parties centers around Lutterodt's multiple requests for the HOA's financial records. Lutterodt sought financial documents from Potter, Envision Realty, and the HOA because he was concerned about how money was being spent. He testified he requested documents so that he could "conduct an audit . . . because I couldn't verify where the money was going given the conditions of the community." It is undisputed that the HOA is required to "keep and maintain full and accurate books and records showing all of the receipts, expenses or disbursements" and to permit Owners to examine the records at "any reasonable time."

Lutterodt began requesting financial records in 2008. Once he joined the Emily Lane board in 2009, he began receiving some documents because he was a board member. However, he sought additional information. He directed his oral and written requests for additional documents to the board and Potter.

At trial, Potter and Robert George, a board member, testified that they provided records to Lutterodt. They explained that Lutterodt sought additional documents but frequently did not specify which records he wanted. Lutterodt also requested records he already had been given. Lutterodt maintained he needed additional documents because the records he received were incomplete and inadequate for him to conduct an audit. At trial, Lutterodt testified he still had not received all of the documents he needed. Potter considered Lutterodt's repeated requests to be harassing and believed Lutterodt was acting unreasonably even though Potter thought he "went above and beyond to try to satisfy Mr. Lutterodt."

The relationship between the parties rapidly deteriorated after Lutterodt lost an election in January 2012 to remain on the board of directors. Lutterodt believed the election was "rigged" by Potter and George, and Lutterodt refused to acknowledge he was no longer on the board.

Lutterodt filed the instant suit. The case was tried to a jury, which found in favor of appellees. Following the trial, the court entered judgment in favor of Potter, Envision Realty, and the HOA.[1] Lutterodt filed a

[1] The trial court executed two documents on July 21, 2014, reflecting the judgment of the court. Because the law does not require a final judgment be in a particular form, whether a judicial decree is a final judgment is determined from its language and the record in the case. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 196 (Tex. 2001). "In some circumstances, 'a final judgment may consist of several orders that cumulatively dispose of all parties and issues.'" *Onyung v. Onyung*, No. 01-10-00519-CV, 2013

motion for JNOV and a motion for new trial. The trial court denied both motions, and this appeal followed.

LAW & ANALYSIS

A. Jury Question One

Lutterodt makes two arguments with respect to jury question one. In his first issue, he argues the trial court erred by denying his motions for JNOV and for new trial because there is no evidence or insufficient evidence to support the jury's answer to question one. In his third issue, he asserts the trial court improperly instructed the jury regarding jury question one that Lutterodt must "reasonably identify records" when the controlling statute does not contain a requirement of reasonableness.

To preserve a jury charge complaint on appeal, the complaining party must make an objection before the trial court. *Thota v. Young*, 366 S.W.3d 678, 689 (Tex. 2012) (citing rule of civil procedure 274 and rule of

---

WL 3875548, at *9-10 (Tex. App. – Houston [1st Dist.] July 25, 2013, pet. denied) (mem. op.) (quoting *Noorian v. McCandless*, 37 S.W.3d 170, 173 (Tex. App. – Houston [1st Dist.] 2001, pet. denied)). When read together and in conjunction with the record, it is clear the two documents dated July 21, 2014, form the trial court's final judgment and dispose of all issues and parties in the case. *See Hickman-Bey v. Tex. Dept. of Crim. Just.*, No. 07-12-00490-CV, 2014 WL 1464154, at *2 (Tex. App. – Amarillo Apr. 11, 2014, no pet.). The trial court subsequently issued a corrected final judgment on September 15, 2014. In this case, the trial court retained jurisdiction to issue a corrected final judgment because its plenary power was extended by Lutterodt's motion for new trial filed on August 19, 2014. *See* TEX. R. CIV. P. 329b.

appellate procedure 33.1). Here, Lutterodt's counsel did not object to the charge at trial. Because Lutterodt did not make his complaint before the trial court, we conclude he has not preserved his third issue for appeal. *See id.*

In his first issue, Lutterodt asserts the trial court erred by denying his motions for JNOV and for new trial because "there is either no evidence or insufficient evidence" to support the jury's answer to question one.

We review a trial court's decision to grant or deny a motion for JNOV under the legal sufficiency standard of review. *See City of Keller v. Wilson*, 168 S.W.3d 802, 823 (Tex. 2005) (test for legal sufficiency is same for directed verdict, JNOV, and appellate no-evidence review). We credit evidence favoring the jury verdict if reasonable jurors could and disregard contrary evidence unless reasonable jurors could not. *Tanner v. Nationwide Mut. Fire Ins. Co.*, 289 S.W.3d 828, 830 (Tex. 2009); *Oncor Elec. Delivery Co., LLC v. Southern Foods Group, LLC*, 444 S.W.3d 699, 703 (Tex. App. – Dallas 2014, no pet.). We will uphold the jury's finding if more than a scintilla of competent evidence supports it. *Tanner*, 289 S.W.3d at 830. "The final test for legal sufficiency must always be whether the evidence at trial would enable reasonable and fair-minded people to reach the verdict under review." *Id.*

To preserve a factual sufficiency challenge, a party must present its complaint to the trial court in a motion for new trial. *See* TEX. R. CIV. P. 324(b)(2). We review the denial of a motion for new trial for an abuse

of discretion. *See Hodges v. Rajpal*, 459 S.W.3d 237, 250 (Tex. App. – Dallas 2015, no pet.). A trial court abuses its discretion when its actions are arbitrary or unreasonable or when it acts without reference to any guiding rules or principles. *Id.* Every reasonable presumption will be made on review in favor of the trial court's refusal of a new trial. *El Dorado Motors, Inc. v. Koch*, 168 S.W.3d 360, 368 (Tex. App. – Dallas 2005, no pet.). When, as here, a party attacks the factual sufficiency of the evidence supporting an adverse finding on an issue on which it had the burden of proof, it must demonstrate that the adverse finding is against the great weight and preponderance of the evidence. *Dow Chemical Co. v. Francis*, 46 S.W.3d 237, 242 (Tex. 2001). We consider and weigh all the evidence and set aside the verdict only if the supporting evidence is so weak or if the finding is so against the great weight and preponderance that it is clearly wrong and unjust. *Id.*

When conducting our review of both the legal and factual sufficiency of the evidence, we are mindful that the jury, as fact finder, was the sole judge of the credibility of the witnesses and the weight to be given their testimony. *City of Keller*, 168 S.W.3d at 819; *Hinkle v. Hinkle*, 223 S.W.3d 773, 782 (Tex. App. – Dallas 2007, no pet.). The jury is free to believe some, all, or none of a witness's testimony. *Goggans v. Ford*, No. 05-14-01239-CV, 2015 WL 8523302, at *2 (Tex. App. – Dallas Dec. 9, 2015, pet. filed). We may not substitute our judgment for the fact finder's. *See Maritime Overseas Corp.*, 971 S.W.2d at 407.

We measure the sufficiency of the evidence against the jury charge as submitted. *See Osterberg v. Peca*, 12 S.W.3d 31, 55 (Tex. 2000). Jury question one states:

> Did Mr. Lutterodt make a written demand, for a proper purpose, to inspect financial or other records required to be kept by the Association?
>
> You are instructed that a written demand by Mr. Lutterodt must reasonably identify records, which are required to be kept by the Association, for which Mr. Lutterodt demands an inspection, and the records demanded by Mr. Lutterodt must be relevant to Mr. Lutterodt's stated purpose.

The jury answered "no."

Lutterodt asserts he made multiple demands in writing for financial records so he could conduct an independent study or audit of the HOA's finances. The HOA concedes that Lutterodt made demands for records. However, it argues, the demands did not reasonably identify the records that were required to be kept and they were not made for a proper purpose.

After reviewing the record, we conclude that an October 19, 2010 email from Lutterodt to Potter and members of the board is the first written demand for financial records identifying specific records Lutterodt sought. In that email Lutterodt requested several documents for the time period of January 1-8, 2010, including cash flow statements, bank statements, income statements, service agreements, and all checks made

to vendors and contractors. The email stated he desired to obtain the documents in connection with his role as treasurer of the HOA. If we assume for purposes of this analysis that the October 19 email is a written demand for financial or other records that are required to be kept by the HOA and the written demand reasonably identifies the records he seeks, we nonetheless conclude Lutterodt has not demonstrated that the evidence is legally or factually insufficient to show he had an improper purpose.

On August 20, 2010, two months before making the October 19 request, Lutterodt emailed members of the board and informed them that they had failed to exercise sufficient financial control and management over the HOA. He stated he was calling for an "INDEPENDENT CPA to look into our finances." He closed the email by stating:

> LET US REMEMBER:
> Late president Nixon was a liar and a crook
> Ex-president Clinton was a liar. A certified Liar.
> Ex-Texas attorney general, Tony Gonzalez [sic] was a liar and a crook.
> Robert George, "You know who you are."

George testified that he encouraged Lutterodt to run for a board position, and Lutterodt joined the board in January 2009. However, George explained that while Lutterodt was on the board, he was "very disruptive at [board] meetings, making it difficult to get things done, incredibly emotional outbursts and rants." "We couldn't focus on the issue that we had to

deal with." Instead, Lutterodt raised "superfluous issues month after month after month. The board would make a decision on it and he would come right back the next month bringing the same issues up again for reconsideration. We had many difficulties." Even after George gave Lutterodt all the association-related documents he had in 2010, and Lutterodt thanked him for the documents, Lutterodt "proceeded in the succeeding months and times to ask me for the same information" again. When George asked Lutterodt what else Lutterodt wanted, Lutterodt could not answer the question.

Potter testified he initially had a "pretty good relationship" with Lutterodt. But their relationship changed in 2009 when Lutterodt joined the HOA board. Potter explained: "So all of this started in 2009. The requests were real [sic] frequently. Obviously it kept increasing as the months and days would pass, but obviously from 2009 it was more than monthly." Once he became a member of the board, Lutterodt "was providing [sic] the monthly financial reports. And then obviously at that time he would always want more and more." Potter explained that regardless of what documents he provided, Lutterodt always wanted more. When Lutterodt was asked which specific documents he wanted, he would not answer.

George and Potter both testified that the board's problems with Lutterodt arose after Lutterodt joined the board in 2009. Although there is evidence in the record that the relationship between Lutterodt and the board and Potter became increasingly acrimonious in

2012 and 2013 after Lutterodt lost the election to remain on the board, there also is evidence from which the jury could have concluded that Lutterodt had an improper purpose for requesting documents as early as 2009. George and Potter both testified that they had amicable relationships with Lutterodt before he became a board member, but that once he joined the board, he became "very difficult" to work with, would have "incredibly emotional outbursts and rants," and would bring up "superfluous issues," thus interfering with the board's ability to do its work. The evidence shows Lutterodt made redundant document request as early as 2010 and, although Lutterodt complained he did not receive the documentation needed, he would not articulate which additional documents he wanted. Lutterodt's email inferring that George is a liar and a crook is consistent with George's testimony that Lutterodt had emotional outbursts and rants, and shows Lutterodt began personally attacking George's character before ever making a proper written document request.

After considering all of the evidence of Lutterodt's actions taken before he sent the October 19 email, we conclude there is more than a scintilla of evidence from which a jury could have found Lutterodt had an improper purpose when making any requests for records in the months and years before the October 19, 2010 email. *See Oncor Elec. Delivery Co.*, 444 S.W.3d at 703. Further, the jury's finding is not so contrary to the evidence as to be clearly wrong and unjust. *See id.* Therefore, viewing the evidence under the appropriate

standards for legal and factual sufficiency, we conclude the trial court did not abuse its discretion by denying Lutterodt's motions for JNOV and for new trial. We overrule Lutterodt's first issue.

B. Jury Question Two

In his second issue, Lutterodt argues the trial court erred by overruling his motion for JNOV because he is entitled to judgment in his favor on jury question two. The jury charge states:

> If you answered "Yes" to Question No. 1, answer then [the] following Question; otherwise do not answer the following Question.
>
> **QUESTION NO. 2**
>
> Did the Association fail to keep financial or other records, required to be kept by the Association, reasonably available at the Association's registered office or its principal office in this state for examination by Mr. Lutterodt after Mr. Lutterodt's written demand, if any?

Lutterodt asserts that because the jury incorrectly answered "no" to jury question one, it did not answer question two even though he was entitled to judgment in his favor on question two.

Following the instructions in the charge, the jury correctly did not answer question two after it answered "no" to question one. To the extent Lutterodt now argues this instruction is erroneous, Lutterodt has not preserved that complaint for appeal. *See Thota*, 366 S.W.3d at 689. We overrule Lutterodt's second issue.

C. Defamation

In his fourth issue, Lutterodt asserts the trial court erred by entering judgment against him for defamation because the evidence establishes that his statements were opinion, true or substantially true, protected by the First Amendment, or were not published. The jury charge listed nine statements made by Lutterodt about Potter and asked the jury to determine whether any of them was defamatory. The jury answered "yes." In his brief, Lutterodt's argument does not challenge the defamatory nature of any of the statements in the jury charge, and does not identify any of the statements as being an invalid basis for recovery. Rather, without citation to any authority, he argues other statements that he made were not defamatory.

Our briefing rules require an appellant's brief to "contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record." *See* TEX. R. APP. P. 38.1(i). Lutterodt's fourth issue does not contain any citations to the record nor any citations to authorities. An issue on appeal unsupported by citation to any legal authority presents nothing for the court to review. *See Strange v. Continental Cas. Co.*, 126 S.W.3d 676, 678 (Tex. App. – Dallas 2004, pet. denied). This Court does not have a duty to perform an independent review of the record and applicable law to determine whether the error complained of occurred. *See id.* Because Lutterodt's fourth issue does not comply with our briefing rules, we conclude it presents nothing for our review.

D. Attorney Withdrawal

In his fifth issue, Lutterodt asserts the trial court erred by allowing his counsel to withdraw from his representation before the trial without showing good cause. Our briefing rules require an appellant to state facts pertinent to the issues presented on appeal and include an argument with appropriate citations to the record. *See* TEX. R. APP. P. 38.1(g), (i). An issue on appeal unsupported by argument or citation to any legal authority presents nothing for the court to review. *See Strange*, 126 S.W.3d at 678. Lutterodt's fifth issue does not include any citations to the record. Although Lutterodt asserts he was unable to quickly obtain new counsel and he announced "not ready" in his "his [sic] pretrial order," his brief does not include any record citations to support these statements. We conclude the issue has been inadequately briefed for our review.

Additionally, the record does not support Lutterodt's contentions. The record shows Lutterodt signed the trial court's order granting the motion to withdraw under the word "Agreed." The trial court's judgment reflects the parties, including Lutterodt who was represented by two new lawyers, announced "ready" for trial; Lutterodt does not argue this statement in the judgment is incorrect.

CONCLUSION

We affirm the trial court's judgment.

/Craig Stoddart/
CRAIG STODDART
JUSTICE

CAUSE NO. DC-12-12648-G

ALBERT LUTTERODT	§ IN THE DISTRICT
V.	§ COURT
ENVISION REALTY GROUP, LLC, JACKSON POTTER AND EMILY LANE OWNERS ASSOCIATION, INC.	§ DALLAS COUNTY, § TEXAS § 134TH JUDICIAL § DISTRICT §

~~FINAL~~ [AMENDED /s/ DT] JUDGMENT IN FAVOR OF EMILY LANE OWNERS ASSOCIATION, INC.

On July 7, 2014, this case was called to trial. At that time, Plaintiff Albert Lutterodt appeared in person and through his counsel of record, Jason Richerson [sic] and Monika D. Jenkins, and announced ready for trial. Defendant Emily Lane Owners Association, Inc. ("the Association") appeared through its duly designated representative and counsel of record, Laura Beckman Hedge, and announced ready for trial.

After a jury was impaneled and sworn, the evidence and arguments of counsel were heard. In response to the jury charge, the jury made findings that the Court received, filed, and entered of record on July 9, 2014. The questions submitted to the jury and jury's findings are part of the Court's record and the Association's Motion to Enter Final Judgment on the verdict ("Motion").

Upon considering the pleadings, evidence, Jury's verdict and the Association's Motion, the Court hereby

ORDERS, ADJUDGES AND DECREES the following:

1. Judgment shall be entered in favor of the Association and against Albert Lutterodt.

2. Plaintiff Albert Lutterodt brought suit against the Association to compel production of records under the Texas Property Code and the Texas Business & Organizations Code.

3. Plaintiff Albert Lutterodt is not entitled to a writ of mandamus compelling the production of records because he did not, as required by § 22.351 of the Texas Business Organizations Code, make a written demand, for a proper purpose, to inspect financial or other records required to be kept by the Association.

4. Texas Property Code § 82.161 provides that the prevailing party in a suit under Chapter 82 is entitled to recover their reasonable attorneys fees and costs of litigation. Because the Association is the prevailing party in this suit, the Association is entitled to its reasonable attorneys fees and costs of litigation.

5. Plaintiff Albert Lutterodt's request for an award of attorneys fees is denied. Based upon the verdict of the jury, the Association shall recover its reasonable attorneys fees and costs of this litigation in the amount of $55,000.00 through the trial of this case. In the event of appeal from the trial court, the Association shall recover its attorneys fees in the following sums: $10,000.00 for representation through appeal to the court of appeals; $3,000.00 for representation at the

petition for review stage in the Supreme Court of Texas; $5,000.00 for representation at the merits briefing stage in the Supreme Court of Texas; and $3,000.00 for representation through oral argument and the completion of proceedings in the Supreme Court of Texas.

6. The Association shall be entitled to post-judgment interest from the date of this Final Judgment until paid at the rate of five percent (5%) per annum.

7. The Association's costs of court herein expended and hereafter expended in the appeal or collection proceedings are taxed against Plaintiff Albert Lutterodt for which execution shall issue if not timely paid.

8. This judgment is final and disposes of all claims against the Association and is appealable.

~~9. Any relief not expressly granted herein is denied.~~ [/s/ DT]

SIGNED this the 21st day of July, 2014.

/s/ Dale B. Tillery
HONORABLE JUDGE
DALE B. TILLERY

APPROVED AS TO FORM & SUBSTANCE:

LITCHFIELD CAVO LLP

By: */s/ Laura Beckman Hedge*
Laura Beckman Hedge
State Bar No.: 00790288
One Riverway, Suite 1000
Houston, Texas 77056
(713) 418-2000 (telephone)
(713) 418-2001 (facsimile)

ATTORNEYS FOR DEFENDANT,
EMILY LANE OWNERS ASSOCIATION, INC.

CAUSE NO. DC-12-12648-G

ALBERT LUTTERODT	§	**IN THE DISTRICT**
Plaintiff	§	**COURT**
	§	**134TH JUDICIAL**
vs.	§	**DISTRICT**
ENVISION REALTY	§	
GROUP, LLC JACKSON	§	**DALLAS COUNTY,**
POTTER AND EMILY	§	**TEXAS**
LANE OWNERS	§	
ASSOCIATION, INC.	§	
Defendants	§	

FINAL JUDGMENT

Comes before the court the Motion for Judgment upon Jury Verdict filed by the Defendants/Counter-Plaintiffs, Envision Realty Group, LLC and Jackson Potter. The motion being properly set upon the calendar of this court, the parties appeared by counsel of record with David J. Potter appearing as Attorney for Envision Realty Group, LLC and Jackson Potter and Jason Roberson [sic] and Monika D. Jenkins appearing for the Plaintiff and Counter-Defendant, Albert Lutterodt. All parties announced ready for a hearing upon the motion for judgment upon jury verdict. Upon the pleadings in this case, the evidence introduced and admitted in the trial of this case, the Motion for Judgment on Jury Verdict filed by the Defendants/Counter-Plaintiffs, Envision Realty Group, LLC and Jackson Potter, statement and arguments of counsel, and the jury verdict rendered in this case, the court finds:

I.

A jury trial was held in this court during 3 days from July 7, 2014 through July 9, 2014, at the conclusion of which the case was submitted to a properly impaneled jury of 12 Dallas County Citizens, and upon the jury charge of the court, the jury rendered its true verdict. The verdict is hereby accepted as a verdict upon the facts submitted to the jury.

II.

The court finds that Judgment should be entered in favor of Envision Realty Group, LLC and Jackson Potter and against Albert Lutterodt in Albert Lutterodt's Petition against Envision Realty Group, LLC and Jackson Potter. Pursuant to the statute upon which Albert Lutterodt's petition claims were brought, Envision Realty Group, LLC and Jackson Potter are entitled to an award of attorney's fees for defense of the petition of Albert Lutterodt. Upon the verdict of the jury, reasonable attorney's fees for Envision Realty Group, LLC through the trial court should be awarded in the amount of $17,500.00. In the event of an appeal from the trial court, reasonable attorney's fees are hereby awarded as follows: for representation through appeal to the court of appeals, $5000.00; for representation at the petition for review stage in the Supreme Court of Texas, $1,500.00; for representation at the merits briefing stage in the Supreme Court of Texas: $2,500.00; for representation through oral argument

and the completion of the proceedings in the Supreme Court of Texas, $1,500.00.

The court further finds that, upon the verdict of the jury, reasonable attorney's fees for Jackson Potter through the trial court should be awarded in the amount of $17,500.00. In the event of an appeal from the trial court, reasonable attorney's fees are hereby awarded as follows: for representation through appeal to the court of appeals, $5000.00; for representation at the petition for review stage in the Supreme Court of Texas, $1,500.00; for representation at the merits briefing stage in the Supreme Court of Texas: $2,500.00; for representation through oral argument and the completion of the proceedings in the Supreme Court of Texas, $1,500.00.

III.

The court finds that Albert Lutterodt defamed Envision Realty Group, LLC and Jackson Potter, by falsely stating in emails to others, in written statements to the residents and owners of condominiums located in Emily Lane Condominiums and members of the Emily Lane Condominium Owners Association, and through false and libelous statements published on the internet web site of the Dallas Better Business Bureau, repeatedly stating as a fact, that Envision Realty Group, LLC and Jackson Potter were liars, had scammed and stole Association funds at Emily Lane and at Holly Oaks Townhomes, were trying to drain and steal funds from Emily Lane Owners Association,

Inc., had failed to produce financial records upon proper requests by Lutterodt, was guilty of fraud, gross and willful mismanagement, corruption, abuse and waste of association money and resources, liars with no integrity and are morally corrupt, a con-man, a crook, a scam artist, had lied to the HOA Community, did sub-standard work, had overcharged for his services and repairs, had lied to Lutterodt about his management and repair operations, doing unathorized [sic] and up-permitted work in violation of City Codes, had costs [sic] thousands of additional costs and expenses as well as loss of value to the HOA Community, had failed to provide invoices or estimates for repairs upon several requests, had failed to honor his management agreements and HOA Service Requests by steering business to his cohorts, mismanaged and abused HOA funds and community by over-spending and over-charging for HOA Services, has no physical office, and operates by telephone, internet, email and text, and Jackson is operating without a license or permits.

The court finds from the evidence, verified and confirmed by the jury verdict, that all defamatory statements by Albert Lutterodt impugning the honesty, integrity, truthfulness, work ethics and performance of services by Envision Realty Group, LLC and, its President and sole member, Jackson Potter, are entirely false, and without a scintilla of evidentiary support.

Albert Lutterodt has damaged the reputation in the past of Jackson Potter, and Jackson Potter should be awarded damages in the amount of $4000 for

injuries to his reputation. Further, the defamation by Libel and Slander of Albert Lutterodt was malicious in nature and Jackson Potter should have judgment against Albert Lutterodt for punitive damages in the amount of $3000.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Envision have judgment against Albert Lutterodt in the amount of $17,500.00 for attorney's fees through the trial court; and in the event of an appeal to the Texas Court of Appeals, Envision Realty Group, LLC is hereby awarded judgment against Albert Lutterodt in the following amounts for the various stages of the appeal process, to wit; for representation through appeal to the court of appeals, $5000.00; for representation at the petition for review stage in the Supreme Court of Texas, $1,500.00; for representation at the merits briefing stage in the Supreme Court of Texas: $2,500.00; for representation through oral argument and the completion of the proceedings in the Supreme Court of Texas, $1,500.00.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that Jackson Potter have judgment against Albert Lutterodt in the amount of $17,500 for attorney's fees through the trial court; and in the event of an appeal to the Texas Court of Appeals, Jackson Potter is hereby awarded judgment against Albert Lutterodt in the following amounts for the various stages of the appeal process, to wit; for representation through appeal to the court of appeals, $5000.00; for representation at the petition for review stage in the Supreme Court of Texas, $1,500.00; for representation

at the merits briefing stage in the Supreme Court of Texas: $2,500.00; for representation through oral argument and the completion of the proceedings in the Supreme Court of Texas, $1,500.00.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that Envision Realty Group, LLC and Jackson Potter shall be entitled to post judgment interest from the date of this judgment until paid at the rate of five percent (5%) per annum, for costs of court herein expended and hereafter expended in the appeal or collection proceedings.

[This judgment is final and appealable and disposes of all claims of any kind [illegible] were asserted or could have been asserted against Jackson Potter or Envision Realty Group, Inc.]

Entered this 21st day of July, 2014.

/s/ Dale B. Tillery
Dale B. Tillery, Judge
134th Civil District Court
Dallas County, Texas

FILE COPY

RE: Case No. 16-1036 DATE: 10/20/2017
COA #: 05-14-01329-CV TC#: DC-12-12648-G
STYLE: LUTTERODT v. EMILY LANE OWNERS ASSOC., INC.

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MR. ALBERT LUTTERODT

* DELIVERED VIA E-MAIL *