

**FILED**  
AT 4:00 (PM-AM)

NO. C51284

DEC - 2 2024

**WILLIAM FRICK, BRIGITTE  
RUSSELL, JOHN TRENTON  
FORREST AND ANGELA FORREST  
Plaintiffs,**

**V.**

**MOUNTAIN RIVER OWNERS'  
ASSOCIATION, INC.  
Defendant.**

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**IN THE DISTRICT COURT**

*Teresa Greenhaw*  
TERESIA GREENHAW, DISTRICT CLERK  
PALO PINTO COUNTY TEXAS

BY \_\_\_\_\_ DEPUTY

**29TH JUDICIAL DISTRICT**

**OF PALO PINTO COUNTY, TEXAS**

**ORDER GRANTING  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

On November 19, 2024, the Court considered Plaintiffs' Motion for Summary Judgment and request that the Court enter Summary Judgment in favor of Movants on the claim set forth therein, and against Defendant Mountain River Owners' Association, Inc.

After due consideration of the summary judgment evidence, including discovery and documentary evidence, and the argument of counsel, this Court finds that Plaintiffs' Motion is due to be **GRANTED** and makes the following findings:

The Court finds there is no genuine issue of material fact as to Plaintiffs' claim for Declaratory Judgment and Plaintiffs are entitled to summary judgment thereon.

The Court finds Defendant has not pled any counterclaim that will preclude summary judgment in this case. The Court finds that Defendant has not pled any affirmative defense that would preclude summary judgment in this cause.

**IT IS THEREFORE ORDERED** that judgment is entered in favor of Plaintiffs and against Defendant on the claim for Declaratory Judgment as follows: the Declaration of Covenants, Conditions and Restrictions for Mountain River Estates filed in Volume 492. Page 379 of the Palo Pinto County Real Property Records expired March 8, 2012, and the

Reinstatement of the Declaration of Covenants, Conditions and Restrictions for Mountain River Estates filed in Document number 2013-00003948 of the Palo Pinto County Real Property Records is a void document and is hereby removed as a cloud on the Plaintiffs' title together with any recorded documents filed to supplement said document.

**IT IS FURTHER ORDERED** that Plaintiffs recover from Defendant costs of court incurred in the course of this cause in the sum of \$483.35, and attorney's fees in the sum of \$7,840.00. Such judgment, for which let execution issue, shall bear interest at the rate of 8.0%, compounded annually from the date of this judgment, until paid.

**IT IS FURTHER ORDERED** that Plaintiffs are entitled to enforce this judgment through abstract, execution, and any other process.

This judgment finally disposes of all parties and all claims and is appealable.

Signed on December 2, 2024



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JUDGE PRESIDING

APPROVED AS TO FORM:

/s/ Mark E. Harden

Mark E. Harden

Attorney for Plaintiffs Brigitte Russell and  
Angela Forrest

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