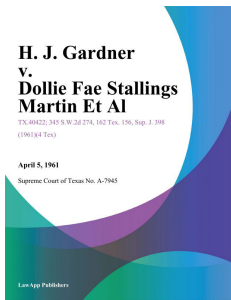


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H J GARDNER V DOLLIE FAE STALLINGS MARTIN ET AL EBOOKS 2019



Author: Court of Criminal Appeals of Texas

Realese Date: Expected @@expectedReleaseDate@@

Petitioner, as plaintiff in the trial court, sued respondents, defendants in the trial court, on a note secured by a deed of trust for debt and for foreclosure of the deed of trust on certain land described therein. Defendants filed an answer pleading that all matters and facts set up in plaintiffs petition had been fully determined and adjudicated adversely to plaintiff and in favor of defendants in a final, valid judgment theretofore rendered in a cause between the same parties upon the same claims in the same district court. Shortly thereafter the defendants filed their unverified motion for summary judgment setting out the same ground of res judicata alleged in their answer. The court set a time not less than ten days in the future for hearing the motion. Due notice was served on the plaintiff, and all parties and their attorneys appeared at the hearing. Plaintiff filed no controverting answer to the defendants motion. At the conclusion of the hearing, the court granted defendants motion for summary judgment.

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