

CAUSE NO. 2006-12-B8515-CV

FILED

At 2:50 o'clock P.M.

PROPERTY OWNERS
ASSOCIATION
OF TERLINGUA RANCH, INC.,

Plaintiff

v.

MARION CRAIG SUBER,

Defendant.

IN THE DISTRICT COURT OF
BREWSTER COUNTY, TEXAS

JO ANN SALGADO
District Clerk, Brewster County, Texas
By *Jo Ann Salgado* Deputy

394th JUDICIAL DISTRICT

BREWSTER COUNTY, TEXAS

AMENDED FINAL JUDGMENT

This cause came on for trial on Monday, January 9, 2012. No jury having been demanded, all issues were tried to the Court. Plaintiff Property Owners Association of Terlingua Ranch, Inc. ("POATRI") appeared and was represented by its attorney of record Jeffrey Thomason. Defendant Marion Craig Suber appeared and was represented by his attorneys of record Pat Long Weaver, Keith J. Valentine, and Arvil Rod Ponton.

Having considered all the evidence and the arguments of counsel,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. The roads traversing the property of Marion Craig Suber in Terlingua Ranch are private roads.
2. POATRI's easements with respect to the private roads on Marion Craig Suber's property on Terlingua Ranch are limited to purposes for maintenance and utilities.
3. Marion Craig Suber has the right to erect and maintain gates across roads entering or crossing his property, to the extent same are capable of being opened and closed.

AMENDED FINAL JUDGMENT

4. POATRI cannot define or create ingress or egress rights of Property Owners in Terlingua Ranch on the private roads on Marion Craig Suber's property.

5. POATRI cannot grant rights to access to any Property Owner or its invitees to the roads on Marion Craig Suber's property.

6. The limited purpose of POATRI's easement rights for road maintenance and utilities on Marion Craig Suber's property is not frustrated by gates, locked or unlocked, as long as POATRI is provided a reasonable means of access to Marion Craig Suber's property.

7. Marion Craig Suber's gates, as long as they are capable of being opened and closed for road maintenance and access for utilities by POATRI, are reasonable as a matter of law.

8. Marion Craig Suber's request to recover reasonable attorneys and necessary fees is granted as follows: \$10,000.00 for prosecution of the trial, payable to the Court; \$35,000.00 for any successful appeal to the Court of Appeals; and \$30,000.00, for any successful appeal to the Supreme Court.

9. All relief not expressly granted herein is DENIED, and this Judgment shall dispose of all issues pending on this matter between POATRI and Marion Craig Suber, and this Judgment shall be FINAL as to such issues and parties.

SIGNED this 27 day of August, 2012.



HONORABLE STEPHEN B. ABLES
Judge Presiding

AMENDED FINAL JUDGMENT

**APPROVED AS TO FORM ONLY WITHOUT
WAIVING RIGHT TO COMPLAIN ON APPEAL:**

JEFFREY F. THOMASON,
Attorney for Plaintiff Property Owners
Association of Terlingua Ranch, Inc.

PAT LONG WEAVER,
Attorney for Defendant
Marion Craig Suber

AMENDED FINAL JUDGMENT

H:\DOCS\4047\1\PLEADINGS\AMENDED FINAL JUDGMENT.DOCX

Page 3 of 3