

JAN 11 2011

NO. C05691

*Mary Burnett*  
MARY BURNETT  
CLERK COUNTY COURT  
CLERK HOOD COUNTY TX

CHRIS LAWRY  
Plaintiff,

§ IN THE COUNTY COURT  
§  
§  
§ AT LAW  
§  
§  
§ HOOD COUNTY, TEXAS

V.

HOOD COUNTY AND LOIS JOPLIN  
Defendants.

**PLAINTIFF'S MOTION FOR NON-SUIT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Plaintiff, Chris Lawry, as Movant herein, and brings this Motion for Non-Suit, and in support thereof, shows the court the following:

I.

Movant filed the above-entitled and numbered cause against Defendants Hood County and Lois Joplin.

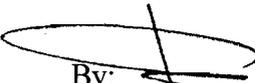
II.

Movant requests that the Court enter a non-suit against Lois Joplin, without prejudice to refile same.

This non-suit does not prejudice the rights of any remaining parties to the above-entitled and numbered cause.

**WHEREFORE, PREMISES CONSIDERED,** Movant prays the Court grants this motion and enters an Order granting the non-suit as requested herein, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

By:   
\_\_\_\_\_

GREGORY PITTS  
Texas Bar No. 16054300  
1300 S. University Drive  
Suite 303  
Fort Worth, Texas 76107  
Tel. (817) 336-9202  
Fax. (817) 336-9206  
Attorney for Plaintiff  
Chris Lawry

**CERTIFICATE OF SERVICE**

I certify that on January 11, 2011, a true and correct copy of Plaintiff's Motion for Non-Suit was served by personal delivery on R. Kelton Conner.

A handwritten signature in black ink, appearing to read "Gregory Pitts", is written over a horizontal line.

Gregory Pitts

**FILED**

**JAN 11 2011**

**NO. C05691**

*Mary Burnett*  
MARY BURNETT  
CLERK COUNTY COURT  
HOOD COUNTY TX

**CHRIS LAWRY**  
**Plaintiff,**

§ **IN THE COUNTY COURT**

§

§

**V.**

§

**AT LAW**

§

**HOOD COUNTY AND LOIS JOPLIN**  
**Defendants.**

§

§

**HOOD COUNTY, TEXAS**

**ORDER GRANTING**  
**PLAINTIFF'S MOTION FOR NON-SUIT**

On January 11, 2011 the Court considered the Plaintiff's Motion for Non Suit and after reviewing the evidence and hearing the arguments of counsel, finds that the Motion should be **GRANTED.**

**IT IS THEREFORE ORDERED** that the Plaintiff's Motion for Non-Suit is **GRANTED** and the above-styled and numbered cause is dismissed as to Lois Joplin, without prejudice to Plaintiff with right to refile same and the rights of any remaining parties to the above entitled and numbered cause.

**SIGNED** on January 11, 2011.

**ORIGINAL SIGNED BY**  
**VINCENT J. MESSINA JUDGE**  
**HOOD COUNTY COURT AT LAW**

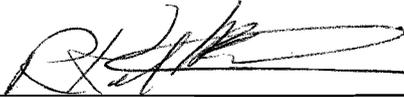
\_\_\_\_\_  
**JUDGE PRESIDING**

**APPROVED AS TO FORM:**



\_\_\_\_\_  
**GREGORY PITTS**  
**Attorney for Plaintiff Chris Lawry**

1300 S. University Drive  
Suite 303  
Fort Worth, Texas 76107  
Tel: (817) 336-9202  
Fax: (817) 336-9206



---

R. KELTON CONNER  
Attorney for Hood County and Lois Joplin  
1200 West Pearl Street  
Granbury, Texas 76048  
Tel: (817) 579-3216  
Fax: (817) 579-3257

JAN 11 2011

NO. C05691

CHRIS LAWRY  
Plaintiff,

§  
§  
§  
§  
§  
§  
§

IN THE COUNTY COURT  
AT LAW, HOOD COUNTY, TEXAS

Mary Burnett  
CLERK, COUNTY COURT  
AT LAW, HOOD COUNTY, TX

V.

HOOD COUNTY AND LOIS JOPLIN  
Defendants.

FINAL SUMMARY JUDGMENT

On Jan. 11, 2011, the Court considered Plaintiff's Motion for Summary Judgment and Plaintiff's that the Court enter a Final Summary Judgment in favor of Movant on the claim set forth therein and against Defendant Hood County.

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

The Court finds there is no genuine issue of material fact as to Plaintiff's claim for Declaratory Judgment and permanent injunction and Plaintiff is 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 Plaintiff and against Defendant on the claim of Declaratory Judgment declaring that the application requesting an election to incorporate the community of Pecan Plantation failed to meet the requirements of the Texas Local Government Code (Sections 5.901, 5.092 and 7.002), therefore Defendant had no authority to call

an election on the issue of incorporating Pecan Plantation and the election result are in all respects void as a matter of law.

**IT IS THEREFORE FURTHER ORDERED** that Defendant Hood County, its officers, employees, agents, servants, successors and assigns, and attorneys are permanently enjoined from tabulating the results from the November 2, 2010 election on the question of incorporating the community of Pecan Plantation and certifying the results of the election to the Hood County Judge as provided for in Section 7.007 of the Texas Local Government Code.

**IT IS FURTHER ORDERED** that Plaintiff is entitled to recover the \$1000 bond posted with the Hood County Clerk to insure Plaintiff would prosecute this action to a final resolution.

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

**IT IS FURTHER ORDERED** that this judgment disposes of all parties and all claims and is appealable.

Signed on January 11, 2011.

ORIGINAL SIGNED BY  
VINCENT J. MESSINA JUDGE  
HOOD COUNTY COURT AT LAW

JUDGE PRESIDING

APPROVED AS TO FORM:

  
Gregory Pitts  
Attorney for Plaintiff Chris Lawry  
1300 S. University Drive  
Suite 303

Fort Worth, Texas 76107  
Tel: (817) 336-9202  
Fax: (817) 336-9206  
State Bar No. 16054300

A handwritten signature in black ink, appearing to read "R. Kelton Conner", written over a horizontal line.

R. Kelton Conner  
Attorney for Hood County  
1200 West Pearl Street  
Granbury, Texas 76048  
Tel: (817) 579-3215  
Fax:(817) 579-3218  
State Bar No. 04690000