

Court Advisory

Fourth Court of Appeals
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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, February 22, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis J. Speedlin and Justice Rebecca Simmons.

The following cases will be presented:

Maurice C. Hunsaker v. Brown Distributing Company, Ltd. - Maurice Hunsaker appeals the trial court's granting of summary judgment in favor of Brown Distributing Company, Ltd. At issue in this appeal is whether an Assumption Warranty Deed conveyed all of Hunsaker's one-quarter mineral interest in the described property to Brown Distributing, resulting in Hunsaker retaining none of the mineral interest under the land described in the Deed, or whether the Deed conveyed only one-half of the one-quarter interest owned by Hunsaker.

United States Fire Insurance Company v. The Lynd Company v. RSUI Indemnity Co. (Cross-Appeal) - This appeal involves whether a material fact issue exists as to whether one hail storm or two separate hail storms caused property damage at two apartment complexes in Austin, Texas. The trial court granted summary judgment against the primary carrier, U.S. Fire Ins. Co., on liability, finding that there was no disputed fact issue and that a single storm occurrence caused the property damage; therefore, the excess insurer RSUI was not liable because U.S. Fire had not paid its policy limits for the second storm occurrence. The court also assessed statutory interest against U.S. Fire for violations of the Insurance Code's prompt payment provisions.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, February 22, 2012, beginning at 1:30 p.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis J. Speedlin and Justice Rebecca Simmons.

The following case will be presented:

