

**Affirmed as Modified and Opinion filed May 3, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-00872-CV**  
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**CLARA RUTH BRENT JOHNSON, Appellant**

**V.**

**TOM THOMAS, WILLIE GREEN, WILLIE HOUSTON, AND BESSIE YOUNGER,  
Appellees**

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**On Appeal from the 127th District Court  
Harris County, Texas  
Trial Court Cause No. 95-14245**

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**OPINION**

This is an appeal from a judgment setting aside a conveyance of real property and awarding damages. Appellant, Clara Ruth Brent Johnson,<sup>1</sup> raises three issues. We modify the judgment to delete the portion of the judgment granting a permanent injunction, and as so modified, we affirm.

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<sup>1</sup> The brief names another appellant, Helen Struggs, but the notice of appeal does not mention an appellant other than Johnson. Although the trial court judgment assesses damages against Struggs, no pleading in the record before this court includes Struggs as a defendant. Because Struggs did not file a notice of appeal, the judgment is final as to her.

Appellant's father, Reverend Brent, was the pastor of Faith (or New Faith) Baptist Church until he suffered a stroke in 1993. In January 1995, Reverend Michael Mathis was elected by the congregation to be interim pastor, despite appellant's opposition. Appellant claimed that her father had changed his mind and did not want Mathis to be pastor. In May 1995, the church trustees were notified that Helen Struggs had purchased a note in the name of Faith Baptist Church from Capital Bank. The warranty deed was signed by Dr. Brent, appellant, and her brother, Freddie Brazile. Soon after receiving notice of the note transaction, Reverend Mathis received a notice to vacate the premises. Reverend Mathis and the congregation of the New Faith Baptist Church vacated the premises and began holding services at another location.

Appellant formed a new church called the New Faith Baptist Church of Houston, Inc., and began serving as pastor of this new church. The congregation from the Faith Baptist Church brought suit against appellant and her brother to recover damages and to void the transfer of the church property to Helen Struggs. The case was tried to the bench. The trial court granted a permanent injunction to appellees against appellant and Struggs. The court further found that the conveyance to Struggs was a breach of fiduciary duty. Accordingly, the court ordered the conveyance set aside and declared void. The court found no merger of legal and equitable title in appellant, her father, and Struggs. The court ordered the recorded warranty deed to be canceled and of no force and effect. The court also removed any cloud of title over the property. Finally, the court ordered appellant and Struggs to pay \$30,000 in damages to appellees for rental expenses, relocation expenses, and loss of income. Appellees were also awarded their attorney's fees of \$45,000. The trial court filed findings of fact and conclusions of law.

In her first issue, appellant claims the final judgment does not comply with the Texas Rules of Civil Procedure, does not follow the court's directions during the June 9, 1997, hearing, and is not supported by evidence. Appellant explains that the final judgment does not contain the elements required by rule 683. Other than a general complaint that the injunction does not contain all the elements required, appellant challenges only the lack of specificity in terms and the lack of reasons for issuance. The permanent injunction portion of the final judgment is as follows:

The court after the hearing of the pleadings, the evidence and the arguments of counsel, is of the opinion and finds that Plaintiffs' Application for Permanent Injunction of Defendants Clara Ruth Brent Johnson and Helen Struggs is granted and is so ORDERED.

In an appeal from a permanent injunction, the standard of review is whether the trial court committed a clear abuse of discretion. *Priest v. Texas Animal Health Comm'n*, 780 S.W.2d 874, 875 (Tex. App.–Dallas 1989, no writ). Where the plaintiff seeks injunctive relief that is ancillary to other relief sought, the requirements of Rule 683 apply to permanent injunctions. *Adust Video v. Nueces County*, 996 S.W.2d 245, 249 (Tex. App.–Corpus Christi 1999, no pet.). Rule 683 provides the form and scope of injunctions. *See* TEX. R. CIV. P. 683. This rule provides that every order granting an injunction shall do the following: (1) set forth the reasons for its issuance, (2) be specific in terms, (3) describe in reasonable detail and not by reference to the complaint or other document, the act or acts sought to be restrained, (4) be binding only on the parties to the actions and their agents and those persons in active concert or participation with them who receive actual notice of the order. *Id.* The Texas Supreme Court has held that an injunctive decree must be as definite, clear and precise as possible, and should inform the defendant of the acts he is restrained from doing. *San Antonio Bar Ass'n v. Guardian Abstract & Title Co.*, 156 Tex. 7, 291 S.W.2d 697, 702 (1956).

Although the portion of the judgment granting a permanent injunction in this case does state who is enjoined, it does not state what acts are restrained or the reasons for its issuance. Absent any language in the judgment specifying what acts appellant and Struggs are restrained from performing, it is impossible to comply with this injunction. Because the portion of the judgment granting a permanent injunction is unclear and fails to state what acts are enjoined, we hold the trial court abused its discretion.

In her second issue, appellant claims the damages awarded are speculative and not supported by the evidence. In her third issue, appellant challenges the award of attorney's fees because it was not included in the pleadings and was not tried by consent. Appellant offers no argument or authority in support of these issues. Because appellant cites no authority and offers

no argument in support of these two issues, they are waived. TEX. R. APP. P. 38.1(h) (brief must contain clear and concise argument for contentions made, with appropriate citations to authorities and to the record); *Berg v. AMF Inc.*, 29 S.W.3d 212, 217 (Tex. App.–Houston [14th Dist.] 2000, no pet.).

Having found that the trial court abused its discretion in granting the permanent injunction without stating the reasons for its issuance or what conduct is enjoined, we modify the judgment to delete the portion of the judgment granting a permanent injunction. As so modified, we affirm the judgment of the trial court.

/s/ Wanda McKee Fowler  
Justice

Judgment rendered and Opinion filed May 3, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do Not Publish — TEX. R. APP. P. 47.3(b).