

Order filed June 18, 2020



In The
Eleventh Court of Appeals

No. 11-20-00045-CV

**HOUSING AUTHORITY OF THE CITY OF STANTON,
Appellant**

V.

MIRANDA ALEXIS BERMEA, Appellee

**On Appeal from the County Court
Martin County, Texas
Trial Court Cause No. 784**

O R D E R

Appellee, Miranda Alexis Bermea, has filed a motion in which she asks this court to review the trial court's ruling regarding the issue of supersedeas and to order that the amount of the bond, deposit, or security be increased to an amount that reflects the total amount of the judgment, including attorney's fees. *See* TEX. R. APP. P. 24.2(a)(1), 24.4. We deny the motion.

The record reflects that, over Appellee's objection, the trial court signed and approved a document entitled "Attorney's Agreement of Responsibility for Court

Appearance of Client.” In that document, the attorney for Appellant agreed to be bound to pay a maximum of \$1,000, “said amount being the Appeal Bond ordered by the Court.”

Pursuant to Rule 24.2(a)(1), “the amount of the bond, deposit, or security must equal the sum of compensatory damages awarded in the judgment, interest for the estimated duration of the appeal, and costs awarded in the judgment.” TEX. R. APP. P. 24.2(a)(1). In this case, the judgment reflects that Appellee was awarded net damages of \$593.84 plus attorney’s fees of \$9,350—for a total of \$9,943.84—plus interest and costs. Appellee asserts in her motion that the amount of the supersedeas bond, deposit, or security should be \$9,943.84 plus costs and interest—an amount that would include attorney’s fees. However, the Texas Supreme Court has ruled that attorney’s fees and interest thereon are to be excluded from the amount of the supersedeas because attorney’s fees are not compensatory damages or costs for purposes of the supersedeas statute. *In re Corral-Lerma*, 451 S.W.3d 385, 386–88 (Tex. 2014) (orig. proceeding); *In re Nalle Plastics Family Ltd. P’ship*, 406 S.W.3d 168, 176 (Tex. 2013) (orig. proceeding). We note that Appellee does not argue that the amount approved by the trial court—\$1,000—is insufficient when considering the damage award of \$593.84 plus interest and costs of court. Therefore, we need not address that issue.

We decline Appellee’s request to increase the amount of supersedeas and deny Appellee’s motion for review.

June 18, 2020

PER CURIAM

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.