



JUDGMENT

Court of Appeals **First District of Texas**

NO. 01-19-00266-CV

IN THE ESTATE OF HARMON BRYAN POFF, DECEASED

Scott Smith, as Independent Executor of the Estate of H. Bryan Poff, Appellant

v.

Timothy E. Malone, Receiver and Poff Family LLC, Appellees

Appeal from the Probate Court No. 2 of Tarrant County. (Tr. Ct. No. 2015-PR02569-2).

This case is an appeal from the interlocutory order signed by the trial court on December 26, 2018. After submitting the case on the appellate record and the arguments properly raised by the parties, the Court holds that there was reversible error in the trial court's order in that the trial court erred by not having a court reporter transcribe oral testimony at the hearing, as required by statute. Accordingly, the Court **reverses** the trial court's order and **remands** the case to the trial court for further proceedings.

The Court **orders** that the appellees, Timothy E. Malone, Receiver and Poff Family LLC, jointly and severally, pay all appellate costs.

The Court **orders** that this decision be certified below for observance.

Judgment rendered June 23, 2020.

Panel consists of Justices Lloyd, Landau, and Countiss. Opinion delivered by Justice Landau.