

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00905-CV**

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**WC 1st and Trinity, LP; WC 1st and Trinity GP, LLC; WC 3rd and Congress, LP; and  
WC 3rd and Congress GP, LLC, Appellants**

**v.**

**The Roy F. and JoAnn Cole Mitte Foundation, Appellee**

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**FROM THE 126TH DISTRICT COURT OF TRAVIS COUNTY,  
NO. D-1-GN-18-007636, THE HONORABLE JAN SOIFER, JUDGE PRESIDING**

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**ORDER**

**PER CURIAM**

Appellants have appealed from the trial court's December 10, 2019 order appointing a receiver for WC 1st and Trinity, LP and WC 3rd and Congress, LP (collectively, the "Partnerships"). On December 12, 2019, appellants filed an emergency motion for temporary relief requesting that this Court stay the trial court's receivership order while their appeal is pending, pursuant to our authority under Texas Rule of Appellate Procedure 29.3. On December 19, 2019, this Court stayed in part the receivership order, pending further order of this Court.

In our stay order, we (1) prohibited the receiver from filing voluntary petitions for relief under Title II of the United States Code (the Bankruptcy Code) for the Partnerships, (2) prohibited the alienation of the real property owned by the Partnerships, and (3) ordered the parties and the receiver to notify the Court as soon as practicable of any foreclosure posting for the real property owned by the Partnerships. In addition, we abated this appeal and remanded the case to the trial court for a determination of whether appellants' rights would be adequately protected by

supersedeas or another order under Texas Rule of Appellate Procedure 24. After the trial court conducted a hearing and issued an order related to the adequacy of supersedeas or another order under Rule 24, appellants filed an emergency motion challenging the trial court's supersedeas order and seeking temporary relief. On February 3, 2020, we granted the motion in part and temporarily stayed the receivership order, pending the trial court's determination of the bond amount that appellants must post to supersede the order. We left in place the portions of our prior partial stay order prohibiting the alienation of the real property owned by the Partnerships and ordering the parties to notify the Court as soon as practicable of any foreclosure posting for the real property owned by the Partnerships.

On March 19, 2020, the parties filed a joint status report informing the Court that the trial court had ordered appellants to post a \$3,875,305.00 supersedeas bond by April 7, 2020. On April 7, 2020, appellants informed the Court that appellants had sought and received a two-week extension for filing the bond, making it due on April 21, 2020. On May 7, 2020, appellee informed us that appellants had not yet filed the bond, although they had requested an additional three-day extension on April 20. To date, no response has been received from appellants, nor has the Court received any information indicating that the bond has been filed. Accordingly, we lift our February 3 temporary stay of the receivership order. We also lift the portions of our prior partial stay order that had remained in place, which (1) prohibited the alienation of the real property owned by the Partnerships and (2) ordered the parties to notify the Court as soon as practicable of any foreclosure posting.

It is ordered on May 29, 2020.

Before Chief Justice Rose, Justices Triana and Smith