

MELANIE GRAFT

Clerk District Court, Hood County, Texas

Debra Lozano, Toni Milson, Josephine May, §
and Jane Cantu, §
Plaintiffs §

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Sky-Harbour Homeowners Association, Inc, §
and Peter F. Bagley, §
Defendants §

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355th JUDICIAL DISTRICT

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Ruben Veliz, Jean May, Gerald May, §
Debra McGowen, Coleman Brockett, §
& Corey Moore, §
Third-Party Defendants §

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HOOD COUNTY, TEXAS

On October 31, 2025, the Court considered the Amended Motion for Summary Judgment of Defendants Sky-Harbour Homeowners Association, Inc. (“Sky Harbour”) and Peter F. Bagley (“Bagley”) and Plaintiffs/Third-Party Defendants’ Second Motion for Partial Summary Judgment and Cross Motion for Partial Summary Judgment in the above-styled and numbered cause. After considering the pleadings, the summary judgment evidence, and the arguments of counsel, and all other evidence presented to the Court, the Court FINDS and HOLDS as follows:

IT IS THEREFORE ORDERED that Plaintiffs take nothing on their cause of action for fraudulent lien against Defendants Sky Harbour and Bagley.

IT IS FURTHER ORDERED that Plaintiffs/Third-Party Defendants take nothing on their cause of action for declaratory judgment against Defendant Sky Harbour.

IT IS FURTHER ORDERED that declaratory judgment shall be granted to Defendant Sky Harbour pursuant to Chapter 37 of the Texas Civil Practices & Remedies

Code declaring that the Hood County, Texas real property records described below affecting Sections 8 and 11 of the Sky Harbour Subdivision were not lawfully approved under Sky Harbour's dedicatory instruments or approved pursuant to any statutory procedures or corporate procedures for non-profit corporations allowing for the amendment of restrictive covenants; that they are invalid, null and void, and of no effect; that the instruments did not cause the sections below to be removed from Sky Harbour; and that the instruments did not operate to waive, forgive, or release any unpaid charges, fees, or dues owed by property owners to Sky Harbour:

| <u>Section</u> | <u>Date</u> | <u>Instrument No.</u> | <u>Filer</u>     |
|----------------|-------------|-----------------------|------------------|
| 11             | 9/7/2023    | 2023-0011783          | Corey Moore      |
| 8              | 10/25/2023  | 2023-0014142          | Coleman Brockett |
| 3,5,7,8,9,11   | 12/6/2023   | 2023-0015873          | Debra McGowen    |
| 11             | 12/11/2023  | 2023-0016045          | Debra McGowen    |
| 8              | 2/16/2024   | 2024-0001910          | Coleman Brockett |
| All            | 7/15/2024   | 2024-0009112          | Debra McGowen    |
| All            | 12/4/2024   | 2024-0016195          | Debra McGowen    |

IT IS FURTHER ORDERED and DECLARED that the Sky Harbour deed restrictions require that any proposal submitted to property owners for consideration to amend them must be approved by a majority of the land area of the entire subdivision and not by separate sections independently from one another; and that the restrictions further require that such approval must be based on owners having a majority of the *land area* of the subdivision and not a majority of lots counted in the subdivision.

IT IS FURTHER ORDERED that Plaintiffs' Second Motion for Partial Summary Judgment and Plaintiffs/Third-Party Defendants' Cross Motion for Partial Summary Judgment are DENIED.

IT IS FURTHER ORDERED that Defendant Sky Harbour's objection to the

Declaration of Jennifer Bingham (Exhibit F) attached to Plaintiffs' Cross Motion for Partial Summary Judgment filed April 22, 2025, is SUSTAINED.

IT IS FURTHER ORDERED that Defendant Sky Harbour's motion for summary judgment on any other claims for relief that are not addressed in this order are denied. Said claims for relief shall thus be set for trial.

IT IS FURTHER ORDERED that this interlocutory summary judgment shall merge into a final judgment once entered in this cause.

SIGNED: \_\_\_\_\_

11/12/2025 11:05:59 AM

*Bryan J. Buffin*

\_\_\_\_\_  
JUDGE PRESIDING

**FILED**

NOVEMBER 12, 2025

*Melanie Graft*

MELANIE GRAFT

Clerk District Court, Hood County, Texas

AGREED AS TO FORM:

LAW OFFICE OF PETER BAGLEY PLLC

by: /s/Peter F. Bagley

Peter F. Bagley

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by: /s/S. Gary Werley

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PARTY DEFENDANTS

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Peter Bagley on behalf of Peter Bagley

Bar No. 783581

peter@peterbagley.law

Envelope ID: 107700686

Filing Code Description: Proposed Order

Filing Description: Proposed Order for Interlocutory Summary Judgment

Status as of 11/7/2025 4:37 PM CST

#### Case Contacts

| Name              | BarNumber | Email                  | TimestampSubmitted   | Status |
|-------------------|-----------|------------------------|----------------------|--------|
| S. Gary Werley    | 21187000  | sgwerley@werleylaw.com | 11/5/2025 2:06:06 PM | SENT   |
| Samuel GaryWerley |           | sgwerley@werleylaw.com | 11/5/2025 2:06:06 PM | SENT   |
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