

DARREN G. YANCY, SR.; CAROL A YANCY
PLAINTIFF

v.

BURLESON MAGNOLIA FARMS
HOMEOWNERS ASSOCIATION BOARD OF
DIRECTORS
DEFENDANT

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IN THE JUSTICE COURT

PRECINCT 2

JOHNSON COUNTY, TEXAS

JUDGMENT FOR PLAINTIFF

On the 18th day of September, 2019 came to be tried in its regular order the above-styled and numbered cause, wherein **Darren G. Yancy, Sr.; CAROL A YANCY**, Plaintiffs, and **Burleson Magnolia Farms Homeowners Association Board of Directors**, Defendants, having been duly served with a citation on **02/28/2019** and appeared in person and/or by their attorneys; announced ready for trial, and neither party having demanded a jury, all matters in controversy, of fact and of law, were submitted to the Court sitting without a jury; and the pleadings, evidence and argument of counsel having been heard by the Court, it is the opinion of the Court that the Plaintiffs are justly entitled to a judgment against the Defendants as hereinafter set out;

After consideration and verifying jurisdiction is proper in this court to hear and rule on Plaintiff Darren C. Yancy Sr. and Carol A. Yancy petition and Defendants Burleson Magnolia Farms Homeowners Association Board of Directors counter claim petition with no change of venue being requested, the court rules in favor of the Plaintiffs in their amended petition, and further rules in favor of Darren G. Yancy and Carol A. Yancy who are listed as Defendants in the counter claim.

Plaintiffs are responsible for all future dues and special assessments from date of this judgment by the evidence presented that the Burleson Magnolia Farms Homeowners Association Board of Director's has accepted the \$200.00 deductions in the past as a reimbursement expense to the Plaintiffs for the operation and maintenance of the Burleson Magnolia Farms Homeowners Associations website. It is therefore ordered that Plaintiffs are not required to pay any past due balance amounts of dues or any special assessments assessed as well as any late fees assessed against Plaintiffs or their properties prior to the date of this judgment. The court also rules that the domain www.bmfhoa.org and the current website utilizing domain are exclusive property of Plaintiffs.

The court understands that the Defendants has accepted defense council recommendations to the Burleson Magnolia Farms Board of Directors to operate the Burleson Magnolia Farms Homeowners Association from this date forward in compliance to state law which was the a main factor for this suit being filed against them. If the Burleson Magnolia

Farms Homeowners Association fails to comply with state statute that governs the operations of Homeowners Associations; complaining parties, if needed, should file in the District Courts of Johnson County, Texas for injunctive relief if the Board of Directors of the Burleson Magnolia Farms Homeowners Association fails to follow all laws that govern a Homeowners Association operation.


The court also rules that the court has no jurisdiction in this case to order the residence of properties not currently subject to dues and special assessment fees by the Burleson Magnolia Farms Homeowners Association.

FURTHERMORE; Plaintiff shall be exempt from any special assessment fees by the Burleson Magnolia Farms Homeowners Association related to any and all legal costs that defense council testified to of \$2,000.00 or other fees that might arise from the defense of this suit in this court.

IT IS ACCORDINGLY, ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, do have and recover of the Defendant, together with his costs in this behalf expended in the amount of **\$217.00**,

THE COURT DENIES ALL OTHER RELIEF NOT GRANTED IN THIS JUDGMENT.

Rendered and signed on this the 20th day of September, 2019.


JUDGE
JUSTICE COURT
#3
JOHNSON COUNTY, TEXAS

Judge Jeff Monk, Justice of the Peace, Pct. 2
Johnson County, Texas