

SUPPLEMENTAL CLERK'S RECORD
APPELLATE CASE NUMBER 05-18-00469-CV

VOLUME 1 OF 1

Trial Court Cause No. CC1700152

In the County Court of Law # 2

Of Hunt County, Texas,

Honorable F. DUNCAN THOMAS, Judge Presiding

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

6/15/2018 7:45:30 AM

LISA MATZ
Clerk

RONNA HODGES, Plaintiff(s)

Vs.

JOHN CURTIS HODGES, Defendant(s)

Attorney for Appellant(s):

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Delivered to the FIFTH COURT OF APPEALS, 600 COMMERCE STREET, DALLAS, TX

On the 14TH day of JUNE, 2018.

Signature of Clerk: Jennifer Lindenzweig
Name of Clerk: JENNIFER LINDENZWEIG
Title: HUNT COUNTY CLERK
Email: jlindenzweig@huntcounty.net



HUNT COUNTY

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HUNT COUNTY CLERK
JENNIFER LINDENZWEIG
(903) 408-4130

June, 14, 2018

Clerk of the Court
Fifth Court of Appeals
600 Commerce Street, Suite 200
Dallas Texas 75202

Re: Court of Appeals Number: 05-18-00469-CV
Trial Court Case Number: CC1700152

Style: STATE OF TEXAS
v.
JOHN CURTIS HODGES, Sr.; RONNA HODGES;
PATRICK JAMES CUCCURELLO

To whom it may concern:

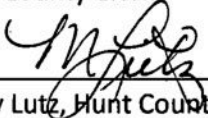
As of this date, no payment has been made for the clerk's record.

Also, Judge has made his ruling on "Statement of Inability to Afford Payment of Court Costs or an Appeal Bond", which is included with this a Supplemental Notice.

Sincerely,

Jennifer Lindenzweig
Hunt County Clerk

By


Misty Lutz, Hunt County Deputy Clerk, Appeal Clerk

CAUSE NO. CC1700152

JOHN CURTIS HODGES, ET AL. § IN THE COUNTY COURT
V. § AT LAW NO. 2
RONNA HODGES, ET AL. § HUNT COUNTY, TEXAS

FINDINGS AND ORDER ON APPELLANT,
RONNA HODGES', STATEMENT OF INABILITY
TO AFFORD PAYMENT
OF COURT COSTS ON APPEAL

On the 30th day of May, 2018, pursuant to Texas Rules of Civil Procedure 145, this court conducted a hearing concerning Appellant, Ronna Hodges' claim of inability to pay costs, particularly, the trial record with an estimated cost of \$6,400.00.

The Court has considered: Petitioner's Exhibit 1, Petitioner's Exhibit 2, and Respondent's Exhibit 1, which contains portions of Ronna Hodges' Deposition from October 18, 2017 prior to the trial. The Court also considered Ronna Hodges' live testimony on the 30th day of May, 2018, and, of course, argument of counsel.

The Court makes the following Findings of Fact and Conclusions of Law:

1. The exhibit labels of "Petitioner" refer to Appellant, Ronna Hodges' exhibits.
2. The exhibit label of "Respondent" refers to exhibits of Mr. Hodges, Jr. et al., who prevailed in the trial court and are Appellees.
3. Appellant does not qualify for any benefits under TRCP 145(e) (1), (2), or (3). Also, Appellant was not found to be indigent for

purposes of trial. And, no statement of inability to pay costs was filed in the trial court.

4. The Appellant stated in her deposition that her husband's income is over \$60,000 per year.
5. Appellant testified in her deposition that she grossed about \$8,000 in law practice in 2017 up until October, 2017.
6. Appellant stated that in the month of May, 2018, she received fees of \$9,600. Also, Appellant works from her home which cuts her overhead costs.
7. Appellant testified that her home is worth approximately \$40,000 with a lien of \$13,000 or \$14,000, which would leave an equity amount of approximately over \$25,000.
8. Appellant testified that she has 20 acres of land of which 18 acres can be cut for hay, which would generate 2 to 3 round bales per acre which could be sold at \$100 per bale. That would result in \$3,600 to \$5,400 in additional income to Appellant minus the expenses of cutting and baling. (However, Appellant testified in her deposition that she has a tractor and baling equipment.)
9. Appellant testified in her deposition in October 2017 that she and her husband owned 2.25 acres with their residence. (See Respondent's Exhibit 1.) In her revised Exhibit A filed the day of the hearing, (Petitioner's Exhibit "2") she stated that her home was on 1.24 acres. This is an example to the Court of the lack of credibility of the Appellant that the Court experienced during the trial and noted in the Court's Findings of Facts and Conclusions of Law after rendering the Court's Judgment.
10. Another example where the Court questions the credibility of the Appellant is her statements about her husband's income.

- a. In her deposition in October 2017, she testified that her husband's income was "\$60,000 or more", which is \$5,000 per month or more.
- b. In her "Statement of Inability to Afford Payment of Court Costs or an Appeal Bond", which was filed on May 11, 2018 she listed his income at \$3,971.40 per month.
- c. On May 30, 2018, when the Court held a hearing on her application to not have to pay costs, Appellant has a revised Exhibit "A", (Petitioner's 2) where her spouse's income is now \$3,546.73 per month.

There is no explanation, no evidence that he changed jobs, etc. The only explanation is the Appellant's lack of credibility.

The Court finds that considering all the evidence that the Appellant, Ronna Hodges, is not indigent and is able to pay costs.

IT IS SO ORDERED.

SIGNED this the 31st day of May, 2018.


JUDGE PRESIDING

SUPPLEMENTAL CLERK'S CERTIFICATE

The State of Texas

County of Hunt

I, Jennifer Lindenzweig, Clerk of the County Court at Law # 2 of Hunt County, Texas do hereby certify the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

GIVEN UNDER MY HAND AND SEAL at my office in Hunt County, Texas this 14th day of JUNE, 2018.



Signature of Clerk Jennifer Lindenzweig
Name of Clerk Jennifer Lindenzweig
Title Hunt County Clerk