

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00590-CV

**IN RE JANICE HICKMAN KIGER, INDIVIDUALLY AND AS TRUSTEE OF
THE GARY HAROLD KIGER REVOCABLE 2010 TRUST**

Original Proceeding

MEMORANDUM OPINION

Janice Hickman Kiger, acting individually and in her capacity as trustee of the Gary Harold Kiger Revocable 2010 Trust, seeks mandamus relief from an order entered in a temporary administration of a probate case that includes applications for probate of two wills and a litigation concerning the validity of an inter vivos trust. The order requires relator to deliver a stock certificate to the temporary administrator of the Estate of Gary Harold Kiger and requires the temporary administrator to control and manage Kiger Brothers Machine Tool & Die Works, Inc.

Mandamus will issue only to correct a clear abuse of discretion when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). After reviewing the

mandamus record and petition, we conclude that the relator has not demonstrated a clear abuse of discretion by the trial court for which there is no adequate appellate remedy. Accordingly, we deny the petition for writ of mandamus. Relator's motion for temporary relief is denied as moot.

PETITION DENIED.

PER CURIAM

Opinion Delivered December 30, 2010

Before McKeithen, C.J., Gaultney and Horton, JJ.