



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00375-CV

IN RE THE STATE OF TEXAS, Relator

Original Proceeding
County Court at Law of Cooke County, Texas
Trial Court No. CV2101971

Before Sudderth, C.J.; Birdwell and Walker, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

The court has considered (1) relator the State of Texas’s petition for writ of mandamus, (2) the real party in interest Kamy Real Property Trust’s response, and (3) the State of Texas’s reply.

Kamy Real Property Trust’s response and the State of Texas’s reply address arguments not raised in the trial court, and both require resolution of factual issues— from whom Kamy Real Property Trust received actual notice that the special commissioners’ award had been filed in the trial court, when Kamy Real Property Trust received actual notice, whether the trial court clerk complied with Section 21.049 of the Texas Property Code, and, if the trial court clerk did so, when. *See* Tex. Prop. Code Ann. § 21.049.

“It is well established Texas law that an appellate court may not deal with disputed areas of fact in an original mandamus proceeding.” *Brady v. Fourteenth Ct. of App.*, 795 S.W.2d 712, 714 (Tex. 1990) (orig. proceeding) (op. on reh’g); *In re Wilson*, 421 S.W.3d 686, 690 (Tex. App.—Fort Worth 2014, orig. proceeding) (op. on reconsideration).

Accordingly, the State of Texas’s petition for writ of mandamus is denied.

Per Curiam

Delivered: November 8, 2022