



**NUMBER 13-10-00422-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**SAN BENITO ENTERPRISES, LLC,**

**Appellant,**

**v.**

**CAMERON COUNTY, CITY OF  
SAN BENITO AND SAN BENITO  
CONSOLIDATED INDEPENDENT  
SCHOOL DISTRICT**

**Appellees.**

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**On appeal from the 197th District Court of  
Cameron County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Yañez and Garza  
Memorandum Opinion Per Curiam**

On August 2, 2010, appellant, San Benito Enterprises, L.L.C. ("San Benito") filed a restricted appeal, seeking to invalidate an April 10, 2010 default judgment rendered in favor of appellees, Cameron County, City of San Benito, and San Benito Consolidated

Independent School District. San Benito also filed a “Motion for Immediate Temporary Relief and Temporary Order Enjoining Tax Sale,” in which it requested this Court to issue a “temporary order enjoining the tax sale” of San Benito’s real estate in a tax sale scheduled for August 3, 2010 at 10:30 a.m. We deny San Benito’s motion for immediate temporary relief and dismiss the appeal.

In its motion, San Benito argues that the trial court’s April 10, 2010 default judgment is void because: (1) it was served by a private process server, and the record does not reflect that the private process server was authorized to serve citation or process;<sup>1</sup> and (2) the private process server failed to attach a copy of the petition at the time of service.<sup>2</sup>

On August 2, 2010, appellees filed a response. Attached as an exhibit to appellees’ response is a 1997 order authorizing the private process server to serve citations and process in the district courts of Cameron County, Texas. Similarly, appellees provided a 1997 order authorizing the private process server to serve citations and process in district courts in Hidalgo County, Texas. In addition, appellees provided a copy of Texas Rule of Civil Procedure 117a, which governs citations in suits for delinquent ad valorem taxes. Rule 117a, paragraph 4, provides in pertinent part, “Such citation need not be accompanied by a copy of plaintiff’s petition and no such copy need be served.”

We find San Benito’s challenge to the trial court’s April 10, 2010 judgment to be without merit. We deny San Benito’s motion for immediate temporary relief and dismiss its appeal.

PER CURIAM

Delivered and filed the  
2nd day of August, 2010

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<sup>1</sup> See TEX. R. CIV. P. 103.

<sup>2</sup> See *id.* R. 106(a)(1).