

Affirmed; Opinion Filed June 6, 2018.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-17-00348-CV

**BADMAND HOLDINGS, LLC, Appellant
V.
JIMIN XIE AND WEIYAN JEANNE LI, Appellees**

**On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-13-03683-B**

MEMORANDUM OPINION

**Before Justices Bridges, Evans, and Whitehill
Opinion by Justice Evans**

Badmand Holdings, LLC, appeals from the trial court's order awarding Jimin Xie and Weiyan Jeanne Li the proceeds of security funds deposited to supersede a specific performance judgment involving the recovery of an interest in real property. We affirm.

BACKGROUND

In April 2013, Xie and Li signed a contract to purchase Badman's condominium. When the closing date came and Badmand did not perform under the contract, Xie and Li sued Badmand for breach of contract and sought specific performance. The trial court rendered final judgment in favor of Xie and Li and ordered specific performance of the contract within sixty days from the date of the judgment. The court also awarded attorney's fees to Xie and Li. Pursuant to a motion filed by Badmand to set amount of security on the judgment, the trial court entered an order setting

bond or deposit for appeal which required Badmand to post a bond in the amount of \$24,000 or make monthly cash deposits with the registry of the court during the pendency of the appeal. The order stated that the bond would be “conditioned as required by Texas Rules of Appellate Procedure 24.1(d).” The judgment of the trial court was affirmed on appeal and mandate issued. Following the issuance of the mandate, both Badmand and Xie and Li filed motions for release of the funds deposited pursuant to the order setting bond. After a hearing, the trial court denied Badmand’s motion for release of the funds and granted Xie and Li’s motion and ordered that the funds held in the court’s registry in the sum of Twenty Four Thousand Dollars be released to counsel for Xie and Li. The order also required Badmand to pay additional attorney’s fees in the amount of Two Thousand Five Hundred Dollars.

ANALYSIS

On appeal, Badmand claims that the trial court erred in rendering judgment in favor of Xie and Li because the evidence submitted during the hearing on the motion to release the funds held in the registry of the court is insufficient to support the trial court’s ruling. Xie and Li assert in their brief that Badmand does not properly brief or cite any legal authority that supports its argument of no evidence. We agree.

The appellate rules have specific requirements for briefing. *See* TEX. R. APP. P. 38. An appellant’s brief must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief. *Id.* 38.1(h); *see Brown v. Tex. Bd. of Nurse Examiners*, 194 S.W.3d 721, 723 (Tex. App.—Dallas 2006, no pet.). Rule 38 requires Badmand to provide us with such discussion of the facts and the authorities relied upon to maintain the point at issue. *See Sweed v. City of El Paso*, 194 S.W.3d 684, 686 (Tex. App.—El Paso 2006, no pet.) (citing *Tesoro Petroleum Corp. v. Nabors Drilling USA, Inc.*, 106 S.W.3d 118, 128 (Tex. App.—Houston [1st Dist.] 2002, pet.

denied) and *Franklin v. Enserch, Inc.*, 961 S.W.2d 704, 711 (Tex. App.—Amarillo 1998, no pet.). This is not done by merely uttering brief conclusory statements, unsupported by legal citations. *Id.*

Badmand does not cite any authority or offer a clear or concise argument to support its contention that the evidence is insufficient to support the trial court’s ruling. Its brief does nothing more than make conclusory statements regarding its motivation for filing the motion to release the funds and reiterates the conclusory statements set forth in the response Badmand filed in the trial court to Xie and Li’s objection to its motion. Badmand’s brief does state that in the trial court Xie and Li cited rules “24(1)(d)(3) and 24.2(a)(2)” of the rules of appellate procedure. But after this mention of two rules, Badmand only makes conclusory assertions that the rules “should be interpreted that they are entitled to, at most, an amount equal to the funds held in the registry of the court.” Badmand then proceeds to argue about rent for the property, without argument or citation to any case law or statutory provisions which would support its interpretation or arguments. In its brief, Badmand also sets forth facts apparently trying to claim that it was entitled to credit for all of the expenses which Badmand paid on the property during the time the case was on appeal. However, Badmand does not provide us with any citation to the record indicating that such an argument and supporting evidence was presented to the trial court,¹ nor does it provide us with existing legal authority that we can apply to these facts. We are not responsible for doing the legal research that might support a party’s contention. *See Bolling v. Farmers Branch Independent School Dist.*, 315 S.W.3d 893, 896 (Tex. App.—Dallas 2010, no pet.).

We conclude that by presenting such attenuated, unsupported argument, appellant has not presented anything for us to decide. *See Bolling*, 315 S.W.3d at 897; *Brown*, 194 S.W.3d at 723; *Sweed*, 194 S.W.3d at 685–86. We overrule appellant’s sole issue.

¹ As a prerequisite to presenting a complaint for appellate review, the record must show that the complaint was made to the trial court by a timely request, objection or motion. *See* TEX. R. APP. P. 33.1(a).

CONCLUSION

We affirm the trial court's judgment.

/David Evans/
DAVID EVANS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

BADMAND HOLDINGS, LLC, Appellant

No. 05-17-00348-CV V.

JIMIN XIE AND WEIYAN JEANNE LI,
Appellee

On Appeal from the County Court at Law
No. 2, Dallas County, Texas
Trial Court Cause No. CC-13-03683-B.
Opinion delivered by Justice Evans,
Justices Bridges and Whitehill
participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that appellee JIMIN XIE AND WEIYAN JEANNE LI recover their costs of this appeal from appellant BADMAND HOLDINGS, LLC.

Judgment entered this 6th day of June, 2018.