



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-18-00119-CV**

EUSEBIO PALACIOS

APPELLANT

V.

JAYABEN PATEL

APPELLEE

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FROM THE 48TH DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 048-262207-12  
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**SUPPLEMENTAL MEMORANDUM OPINION<sup>1</sup> ON REMITTITUR**

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On June 7, 2018, this court issued its opinion and rendered judgment in this cause. Among other things, we suggested, under Texas Rule of Appellate Procedure 46.3, that the \$135,000 award for damages be remitted by \$108,366.14. See *Palacios v. Patel*, No. 02-18-00119-CV, 2018 WL 2728441, at \*1, \*13 (Tex. App.—Fort Worth June 7, 2018, no pet. h.) (mem. op.). Appellee

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<sup>1</sup>See Tex. R. App. P. 47.4.

Jayaben Patel has accepted the suggestion and “voluntarily offer[ed] to remit \$108,366.14.”

Per the terms of our original judgment should remittitur be accepted, we now withdraw that judgment and enter judgment modifying the trial court’s judgment as follows: We 1) reverse the sums awarded for both attorney’s fees and exemplary damages, 2) deny the recovery of damages upon the causes of action for trespass to real property, fraud, negligence, trespass to try title, and suit to quiet title, 3) allow recovery of damages upon the cause of action for conversion, 4) award “actual and/or economic damages” for said conversion in the amount of \$26,633.86, 5) award \$2,774.36 as “prejudgment interest on such damages measured from November 17, 2012, at the rate of 5% per annum,” and 6) declare Patel to be the true and sole owner of the realty in question. In all other things, the trial court’s judgment is affirmed.

/s/ Brian Quinn

BRIAN QUINN  
CHIEF JUSTICE

PANEL: SUDDERTH, C.J.; PITTMAN, J.; and QUINN, C.J. (Sitting by Assignment).

DELIVERED: July 12, 2018