



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00318-CV

LONE WOLF SECURITY, INC. AND MICHAEL S. FLETCHER, APPELLANTS

V.

AMARILLO NATIONAL BANK, APPELLEE

On Appeal from the 181st District Court
Potter County, Texas
Trial Court No. 103,107-B, Honorable John B. Board, Presiding

August 10, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Lone Wolf Security, Inc. and Michael S. Fletcher (collectively, Lone Wolf) filed a bill of review attempting to negate a judgment entered in favor of Amarillo National Bank (ANB). The latter joined issue and eventually filed two motions for summary judgment and special exceptions to the bill of review. The trial court granted both the special exceptions and summary judgment and used both rulings to dismiss the bill of review. Lone Wolf appealed contending that the trial court erred in granting the summary judgment. We affirm.

“It is axiomatic that an appellate court cannot reverse a trial court’s judgment absent properly assigned error.” *Pat Baker Co. v. Wilson*, 971 S.W.2d 447, 450 (Tex. 1998) (per curiam); accord *El Paso Healthcare Sys., Ltd. v. Murphy*, No. 15-0575, 2017 Tex. LEXIS 414, at *17 (Tex. Apr. 28, 2017) (citing *Pat Baker* and holding that, because El Paso Healthcare failed to challenge a particular finding supporting the judgment, the Supreme Court was prevented from reversing the judgment on the particular ground); *Ramirez v. Owens*, No. 07-15-00152-CV, 2015 Tex. App. LEXIS 11965, at *1 n.1 (Tex. App.—Amarillo Nov. 19, 2015, pet. denied) (mem. op.) (also noting the inability to reverse a judgment on a ground that the appellant failed to assert). Thus, an appellant must attack all independent grounds that support an adverse ruling or judgment. *Shirley v. Butcher*, No. 06-16-00089-CV, 2017 Tex. App. LEXIS 3725, at *5 (Tex. App.—Texarkana Apr. 27, 2017, pet. filed) (mem. op.); *Fox v. Maguire*, 224 S.W.3d 304, 307 (Tex. App.—El Paso 2005, pet. denied). If he does not, then we must affirm the ruling or judgment. See *Fox*, 224 S.W.3d at 307.

Before us, Lone Wolf challenged aspects of the trial court’s summary judgment. It did not challenge the decision to dismiss the suit via the granting of special exceptions. Because the latter may support the judgment entered, Lone Star’s default requires us to affirm the order of dismissal. See *Jones v. Macy’s*, No. 01-14-00143-CV, 2015 Tex. App. LEXIS 1968, at *6 (Tex. App.—Houston [1st Dist.] Mar. 3, 2015, pet. denied) (stating that “a party appealing a dismissal after special exceptions must challenge the trial court’s ruling sustaining the special exceptions”); *Cole v. Hall*, 864 S.W.2d 563, 566 (Tex. App.—Dallas 1993, writ dism’d w.o.j.) (stating the same).

We affirm the order of dismissal.

Per Curiam