



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

No. 07-23-00160-CV

ESTATE OF DONALD EDGAR SMITH, DECEASED

On Appeal from the 434th District Court
Blanco County, Texas¹
Trial Court No. CV08825, Honorable Evan C. Stubbs, Presiding

October 24, 2023

ORDER OF ABATEMENT AND REMAND

Before QUINN, C.J., and PARKER and DOSS, JJ.

Appellants, Katrina Smith and Shayla Smith Henderson, appeal from the trial court's *Order Approving Sale of Real Property*. Under Texas Estates Code section 356.556(c), the court's action in approving a report of sale "has the effect of a final judgment." The court's order must, among other things, "detail[] the terms of the sale." TEX. ESTATES CODE ANN. § 356.556(a)(3). On March 10, 2023, the trial court signed an order approving the sale of property from the Estate of Donald Edgar Smith, deceased, to Martin E. Vaughan "in accordance with the terms of the Contract" which is "attached

¹ Originally appealed to the Third Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001.

hereto as Exhibit '1'" However, no exhibits are attached to the order and, consequently, the terms of the sale are not detailed in the order.

For these reasons, we abate this appeal and remand the cause to the trial court for entry of a judgment nunc pro tunc. The trial court is directed to enter a corrected order attaching "Exhibit 1" as referenced therein. The trial court shall cause the corrected order to be included in a supplemental clerk's record filed with the Clerk of this Court no later than November 27, 2023.

It is so ordered.

Per Curiam