



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-15-00006-CV

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WILMER FORREST TRIMBLE, JR., A/K/A WILMER FORREST TREMBLE, JR., SHARON  
TRIMBLE DONALDSON, SELIA TRIMBLE SHAWKEY, AND BILLIE J. MURPHY  
TREMBLE, Appellants

V.

LUMINANT MINING COMPANY LLC, Appellee

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On Appeal from the 4th District Court  
Rusk County, Texas  
Trial Court No. 2013-392

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Before Morriss, C.J., Moseley and Burgess, JJ.  
Memorandum Opinion by Justice Burgess

## MEMORANDUM OPINION

Luminant Mining Company, LLC (Luminant), filed suit seeking the partition by sale of a 33.094-acre tract of land located in Rusk County in which Luminant owned a certain percentage of surface rights and in which appellant Billie Murphy Tremble<sup>1</sup> also owned an interest. In the first of the two appealable judgments required by a partition suit, the 4th Judicial District Court of Rusk County determined the interests and shares owned by the parties in the subject tract, concluded that tract was incapable of being equitably partitioned in kind and that a partition by sale was required, and appointed a receiver to conduct the sale of the property. No party timely appealed from the trial court's first appealable judgment. This appeal stems from the trial court's second and final appealable judgment, in which the sale of the subject tract was approved.

Disputes involving these same parties regarding two other tracts of land also located in Rusk County are on appeal to this Court under our cause numbers 06-15-00004-CV and 06-15-00005-CV. Tremble has filed a single brief in which she raises identical issues in each of her three pending appeals. We addressed these issues in detail in our opinion of this date in cause number 06-15-00004-CV. For the reasons stated there, we likewise overrule Tremble's points of error in this case.

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<sup>1</sup>Wilmer Forrest Trimble, Jr., a/k/a Wilmer Forrest Tremble, Jr., Sharon Trimble Donaldson, and Selia Trimble Shawkey were deemed by the trial court to own no interest in the subject tract of land. As they did not timely appeal that decision, they are without standing to prosecute this appeal.

We affirm the trial court's judgment.

Ralph K. Burgess  
Justice

Date Submitted: December 4, 2015  
Date Decided: January 20, 2016