

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00905-CV**

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**WC 1st and Trinity, LP; WC 1st and Trinity GP, LLC; WC 3rd and Congress, LP; and  
WC 3rd and Congress GP, LLC, Appellants**

**v.**

**The Roy F. and JoAnn Cole Mitte Foundation, Appellee**

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**FROM THE 126TH DISTRICT COURT OF TRAVIS COUNTY,  
NO. D-1-GN-18-007636, THE HONORABLE JAN SOIFER, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellants' emergency motion for temporary relief is granted in part. The trial court's December 10, 2019 order appointing a receiver for WC 1st and Trinity, LP and WC 3rd and Congress, LP (collectively, the "Partnerships") is stayed in part pending further order of this Court. While the Court's stay is in place, the Court prohibits the receiver from filing voluntary petitions for relief under Title II of the United States Code (the Bankruptcy Code) for the Partnerships, and the Court prohibits the alienation of the real property owned by the Partnerships. The Court orders the parties and the receiver to notify the Court as soon as practicable of any foreclosure posting for the real property owned by the Partnerships.

In addition, we abate this appeal and remand the case to the trial court for a determination of whether appellants' rights would be adequately protected by supersedeas or

another order under Texas Rule of Appellate Procedure 24. *See* Tex. R. App. P. 24.1; *see also* Tex. R. App. P. 29.1, 29.3. The parties are ordered to file a joint status report with this Court concerning the status of the trial-court proceedings on or before January 10, 2020.

It is ordered on December 19, 2019.

Before Chief Justice Rose, Justices Triana and Smith

Abated and Remanded

Filed: December 19, 2019