

DENY and Opinion Filed October 25, 2019



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00965-CV

**JOHN CHOWDHURY, Appellant
V.**

WELLS FARGO BANK NA AND KINGDOM GROUP INVESTMENTS, INC., Appellees

**On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-17-17302**

**MEMORANDUM OPINION ON MOTION TO REDUCE
SUPERSEDEAS BOND**

Before Chief Justice Burns, Justice Whitehill, and Justice Nowell
Opinion by Chief Justice Burns

Before the Court is appellant's motion to reduce the supersedeas bond. In his motion to reduce the amount of the bond, appellant asserts the trial court set the bond in the amount of \$180,000 at a hearing conducted on July 30, 2019. Appellant attaches to his motion as an exhibit an Income Statement and Affidavit of Net Worth. In the response to the motion, appellees state a "written order setting the bond was not submitted to the trial court; and hence, no bond has been established or filed."

Rule 24.4(a) authorizes an appellate court to review a supersedeas bond for the following purposes: (1) the sufficiency or excessiveness of the amount of security; (2) the sureties on a bond; (3) the type of security; (4) the determination whether to permit suspension of enforcement; and (5) the trial court's exercise of discretion in ordering the amount and type of security. TEX. R.

APP. P. 24.4(a). The grounds for review may be based both on conditions as they existed at the time the trial court *signed* the order and on changes in those conditions afterward. *Id.* 24.4(b); *G.M. Houser, Inc. v. Rodgers*, 204 S.W.3d 836, 840 (Tex. App.—Dallas 2006, no pet.). Following its review, an appellate court may require that the amount of a bond be increased or decreased and that another bond be provided and approved by the trial court clerk. *Id.* 24.4(d). It may also require other changes in the trial court’s order. *Id.*

Although appellant asks that the bond be reduced, the record before this Court does not contain a signed order setting the supersedeas bond. Without an order, there is nothing before this Court to review. Accordingly, we deny appellant’s motion to reduce the supersedeas bond.

/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE

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