

REVERSED and REMANDED and Opinion Filed December 15, 2025



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

No. 05-24-00739-CV

**BRANDON CZEGLEDI AND NICOLE CZEGLEDI, Appellants
V.
JEFFREY MORRISSEY AND RICKI MORRISSEY, Appellees**

**On Appeal from the 471st Judicial District Court
Collin County, Texas
Trial Court Cause No. 471-01613-2021**

MEMORANDUM OPINION

Before Justices Clinton, Lewis, and Rossini
Opinion by Justice Clinton

Brandon Czegledi and Nicole Czegledi appeal the trial court’s summary judgment in favor of Jeffrey Morrissey and Ricki Morrissey. The Morrisseys sued the Czegledis for monetary damages, injunctive relief, and declaratory relief—based on an alleged violation of a single restrictive covenant—in response to the Czegledis’ addition of a “tiny house” on their land. We reverse and remand in this memorandum opinion. *See* TEX. R. APP. P. 47.4.

I. *Facts*

The Morrisseys' original petition alleged the Czegledis violated a restrictive covenant preventing the placement of "mobile homes, roll-on construction or any structure of a temporary nature" on their property. The Morrisseys supported their petition with an attached letter, sent from their attorney to the Czegledis, demanding the removal of the allegedly offending structure based exclusively upon the foregoing restriction.

On March 7, 2024, the Morrisseys filed a motion for summary judgment based on alleged violations of (1) the restrictive covenant regarding mobile homes or temporary structures and (2) an unpled restrictive covenant requiring all buildings on the Czegledis' property to have at least 1,400 square feet of living space. On April 1, 2024, the Czegledis filed a response and argued that (1) the Morrisseys' original petition solely alleged a violation of the restrictive covenant concerning mobile homes or temporary structures, (2) they did not violate said provision, (3) the Morrisseys' motion for summary judgment included an argument based on an unpled violation of a restrictive covenant concerning square footage, and (4) it would be unjust for the trial court to grant summary judgment based on an unpled allegation.

On May 17, 2024, the Morrisseys filed an amended petition that alleged the Czegledis also violated a restrictive covenant requiring all buildings on their property to have a minimum living area of 1,400 square feet.

The next day, the trial court granted the Morrisseys' motion for summary judgment. The trial court's judgment—in relevant part—states:

SUMMARY JUDGMENT

On the 8th day of April, 2024, came on to be heard by submission Plaintiffs' Motion for Summary Judgment. Plaintiffs appeared by and through their attorney of record, Alan J. Harlan. Defendants Brandon and Nicole Czegledi appeared by and through their attorney of record, S. Shakira Ali Kelley.

~~Having read and considered Plaintiffs' Motion for Summary Judgment, Defendants' timely-filed summary judgment record, which demonstrates no genuine issue of material response and the other pleadings and papers on file in the above entitled and numbered cause, this fact concerning the square footage of the "tiny home" living space and the required minimum Court is of the opinion and so finds that Plaintiffs' Motion is well taken, that there exists no genuine under the applicable deed restrictions, it is therefore ordered that Plaintiffs recover on their issue as to any material fact and that Plaintiffs are entitled to judgment against Defendants Brandon claims for injunctive and declaratory relief, and it is further and Nicole Czegledi as a matter of law. Thus, Plaintiffs should have summary judgment against Defendants as to all issues presented in Plaintiffs' Original Petition. It is, therefore,~~

ORDERED, ADJUDGED and DECREED that Defendants Brandon and Nicole Czegledi be, and hereby are commanded to desist and refrain from continuing to maintain on Lot 13B of the Pecan Creek Farms Addition, located in McKinney, Collin County, Texas, any ~~mobile home, manufactured house, roll-on construction or other residential~~ building with a minimum living area

II. *Standard of review*

We review the trial court's summary judgment de novo. *See Priv. Mini Storage Realty, L.P. v. Larry F. Smith, Inc.*, 304 S.W.3d 854, 859 (Tex. App.—Dallas 2010, no pet.).

III. *Analysis*

The judgment of a court must conform to the pleadings of the parties. TEX. R. CIV. P. 301. In the absence of trial by consent, a plaintiff may not sustain a favorable judgment based on an unpled cause of action. *Oil Field Haulers Ass'n, Inc. v. R.R. Comm'n*, 381 S.W.2d 183, 191 (Tex. 1964). A court's jurisdiction to render judgment is invoked by pleadings, and a judgment unsupported by the pleadings is void. *Ex parte Fleming*, 532 S.W.2d 122, 123 (Tex. App.—Dallas 1975, no writ).

Texas follows a fair notice standard for pleading in which courts assess the sufficiency of pleadings by determining whether an opposing party can ascertain from the pleading the nature, the basic issues, and the types of evidence that might be relevant to the controversy. *Low v. Henry*, 221 S.W.3d 609, 612 (Tex. 2007). A petition is sufficient if it gives fair and adequate notice of the facts upon which the pleader bases his claim. *Roark v. Allen*, 633 S.W.2d 804, 810 (Tex. 1982). The purpose of this rule is to give the opposing party information sufficient to enable the preparation of a defense. *Id.* The Morrisseys' original petition alleged the Czegledis only violated the restrictive covenant concerning mobile homes or temporary structures; therefore, it failed to provide notice of their allegation that the Czegledis violated a restrictive covenant concerning square footage.

We do not presume a trial court granted leave to file an untimely pleading¹ when the order lacks a recitation that the court reviewed or considered all pleadings. *See Tejas Motel, L.L.C. v. City of Mesquite*, No. 05-19-00667-CV, 2020 WL 2988566, at *3 (Tex. App.—Dallas June 4, 2020, pet. denied) (mem. op.). Here, the trial court’s judgment does not state that it considered all pleadings and the record does not show the trial court granted leave to file an amended pleading. *See* TEX. R. CIV. P. 63. Therefore, the Morrisseys’ amended pleading is not their live pleading.

The Morrisseys’ original petition was their live pleading at the time the trial court granted their motion for summary judgment. Despite the recitations in the trial court’s judgment, the Morrisseys’ original petition failed to allege the Czegledis violated a restrictive covenant concerning square footage. Finally, the Czegledis timely argued that it would be unjust to grant summary judgment based on an unpled allegation; thus, the parties did not try the Morrisseys’ allegation concerning minimum square footage by consent. *See Priv. Mini Storage Realty, L.P.*, 304 S.W.3d at 856 n.1. Therefore, our de novo review reveals the trial court’s summary judgment is void because it is not supported by the Morrisseys’ live pleading. *Ex parte Fleming*, 532 S.W.2d at 123; *see also FM Props. Operating Co.*, 22 S.W.3d at 872.

¹ Specifically, Morrissey’s amended petition was filed forty-six days after the Czegledis’ response, three days before the initial trial setting, and one hundred and seventy-seven days after the pleading deadline in the scheduling order.

IV. *Conclusion*

We reverse the trial court's judgment and remand the case.

/Tina Clinton/
TINA CLINTON
JUSTICE



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

JUDGMENT

BRANDON CZEGLEDI AND
NICOLE CZEGLEDI, Appellants

No. 05-24-00739-CV V.

JEFFREY MORRISSEY AND
RICKI MORRISSEY, Appellees

On Appeal from the 471st Judicial
District Court, Collin County, Texas
Trial Court Cause No. 471-01613-
2021.

Opinion delivered by Justice Clinton.
Justices Lewis and Rossini
participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **REVERSED** and this cause is **REMANDED** to the trial court for further proceedings consistent with this opinion.

It is **ORDERED** that appellants BRANDON CZEGLEDI AND NICOLE CZEGLEDI recover their costs of this appeal from appellees JEFFREY MORRISSEY AND RICKI MORRISSEY.

Judgment entered this 15th day of December 2025.