

CAUSE NO. 24CV-07636

CITY OF SAN MARCOS, TEXAS, § EMINENT DOMAIN PROCEEDING
§
Condemnor, §
v. § IN THE COUNTY COURT AT LAW
§
MARY BETH HARPER a/k/a MARY §
NANCE HARPER, individually and as §
Independent Executor of the ESTATE OF §
RAY STEWART HARPER, and JAIME §
LYNN HARPER §
§
Condemnees. § CALDWELL COUNTY, TEXAS

DEFENDANTS' OBJECTIONS TO THE AWARD OF SPECIAL COMMISSIONERS

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW MARY BETH HARPER A/K/A MARY NANCE HARPER, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF RAY STEWART HARPER, AND JAIME LYNN HARPER, Defendants in the above entitled and numbered cause, and files this, their Objection to the decision and award of the special commissioners appointed to assess the damages done to Defendants by the proposed taking of Defendants' interest in the tract of land described in Plaintiff's Petition for Condemnation (and all amendments thereto) for the purposes stated in said Petition (and all amendments thereto), and such award having been previously filed herein, as grounds therefor says:

1. That the total amount of the damages awarded to the Defendants for the taking of Defendants' interest in the tract of land described in the Plaintiff's Petition for Condemnation (and all amendments thereto) is wholly insufficient and does not represent the true and proper amount

of damages suffered by the Defendants by reason of this taking of Defendants' interest in said land by these condemnation proceedings.

2. That the award does not take into consideration actual market value of the estate taken, and other factors and evidence which properly constitute the measure of the damages sustained by Defendants, and said damages are wholly insufficient in all respects, at law and in equity, to constitute proper damage to Defendants.

3. Defendants herein request a jury trial and tender payment herewith.

WHEREFORE, PREMISES CONSIDERED, Defendants MARY BETH HARPER A/K/A MARY NANCE HARPER, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF RAY STEWART HARPER, AND JAIME LYNN HARPER, pray that the petition be decided as required by law, and that upon trial, Defendants recover Defendants' damages and all costs of suit, including, but not limited to, any administrative and trust fund fee assessed on the award deposited by Plaintiff into the registry of the court, interest on the total judgment from the date of taking at the rate prescribed by law, and for all such other and further relief, both general and special, at law or in equity, to which Defendants may be justly entitled, including, but not limited to, the right to have the Plaintiff not take the property herein involved, and Defendants' right, upon dismissal, to reimbursement of fees, expenses, and damages allowed under Sections 21.019 and 21.044 of the Texas Property Code.

Respectfully submitted,

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ESTATE OF RAY STEWART HARPER, AND
JAIME LYNN HARPER

CERTIFICATE OF SERVICE

This is to certify that on this 4th day of March, 2025, a true and correct copy of the foregoing “Defendants’ Objections to the Award of Special Commissioners” has been e-filed. Based on the records currently on file, the Clerk of Court will transmit a “Notice of Electronic Filing” to all registered counsel of record. All other parties were served via certified mail, return receipt requested, first class mail and/or fax as follows:

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