

CAUSE NO. 18-1765

CAROL POOL,  
Petitioner

V.

JAMES POOL,  
Respondent

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SHARENA BELL AND  
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PARKER COUNTY, TEXAS  
BY *AM*  
43<sup>RD</sup> JUDICIAL DISTRICT  
DEPUTY

PARKER COUNTY, TEXAS

**ORDER DENYING CAROL POOL'S  
MOTION TO ENTER AMENDED DECREE OF DIVORCE  
AND GRANTING JAMES POOL'S MOTION FOR SANCTIONS  
AND DETERMING PETITIONER TO BE A VEXATIOUS LITIGANT**

On the 14<sup>th</sup> day of May, 2020, the Court heard Carol Pool's Motion to Enter Amended Decree of Divorce and Respondent James Hiram Pool's Motion to Deny Carol Pool's Motion to Enter Amended Decree of Divorce and Motion for Sanctions and Motion to Determine Petitioner to Be a Vexatious Litigant.

***Appearances***

Petitioner, Carol Keeton Pool, appeared in person, pro se.

Respondent, James Hiram Pool, appeared in person and through attorney of record, Robert J. Glasgow, and announced ready for trial.

***Jurisdiction***

The Court, after examining the record and the evidence and argument of counsel, finds that it has jurisdiction over the subject matter and the parties in this case. All persons entitled to citation were properly cited.

***Record***

The record of testimony was duly reported by the court reporter for the 415<sup>th</sup> Judicial District Court of Parker County, Texas

*Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

*Findings*

After examining the record and the evidence and argument of counsel, the Court makes the following findings:

- 1.1 The parties were divorced on April 8, 2013 in open court. Both Petitioner and Respondent were present and testified under oath that the "Informal Settlement Agreement" that was submitted to the court was their agreement for the division of their marital estate. Petitioner verified to the Court that this was her agreement and that she signed the Agreement voluntarily. The Judge announced in open court that the parties "are divorced" on April 8, 2013. No appeal was taken.
- 1.2 The Final Decree of Divorce was entered by the trial court on May 6, 2013.
- 1.3 On May 24, 2013, Petitioner filed a Request for Findings of Fact and Conclusions of Law. The Court filed the Findings of Fact and Conclusions of Law on June 7, 2013, noting among other things that, the parties agreed that the attached agreements represent a fair and equitable division of the marital assets.
- 1.4 After Petitioner repeatedly failed to comply with the terms of the Final Decree of Divorce, Respondent filed a Motion To Enforce the Final Decree of Divorce.
- 1.5 Petitioner also filed a Motion for Enforcement and Order to Appear on October 16, 2013.
- 1.6 The clerk notified all parties that the enforcement matter was scheduled for trial on December 4, 2014 at 1:30 p.m.
- 1.7 On November 25, 2014, Philip Gregory, Petitioner's seventh attorney at the time, filed a Motion to Withdraw and notified Petitioner of the mediation and trial dates. This motion was granted on December 1, 2014.
- 1.8 Final hearing on Petitioner's Motion for Enforcement and Sanctions was held on December 4, 2014, and it was noted on the record that Carol Pool (Respondent in these proceedings) was notified of the trial setting.
- 1.9 Petitioner did not appear at the hearing on December 4, 2014, and the Trial Court entered an Order of Enforcement on the same day. Because of a clerical error, a final, appealable order entitled Order of Enforcement and Money Judgment Nunc Pro Tunc containing the *correct date* was entered on December 29, 2014.

- 1.10 On January 30, 2015, Petitioner Carol Pool filed a *Motion for New Trial* asserting error in the service of citation and notice for the hearing on Order of Enforcement And Money Judgment Nunc Pro Tunc, not the Final Decree of Divorce.
- 1.11 On March 6, 2016, Carol Pool filed a *Notice of Appeal* notifying the Court that she was appealing the *Order of Enforcement And Money Judgment Nunc Pro Tunc* signed by the trial court on December 29, 2014, not the Final Decree of Divorce.
- 1.12 Also on March 6, 2015, Carol Pool filed her *Request for Findings of Fact and Rules of Law*, regarding the *Order of Enforcement And Money Judgment Nunc Pro Tunc* signed by the trial court on December 29, 2014, not the Final Decree of Divorce.
- 1.13 This appeal was forwarded to the Court of Appeals- Second District - Fort Worth and subsequently transferred by the Supreme Court to the Court of Appeals - Seventh District - Amarillo. (*This appeal was on the Order Of Enforcement And Money Judgment Nunc Pro Tunc, not the Divorce Decree*)
- 1.14 The Seventh District Court of Appeals dismissed Petitioner's appeal on October 21, 2015.
- 1.15 On May 31, 2016 Petitioner filed her Petition for Bill of Review with the Supreme Court of Texas, citing multiple arguments in connection with the Order Of Enforcement And Money Judgment Nunc Pro Tunc signed by the trial court on December 29, 2014. This Petition for Review was denied by the Texas Supreme Court.

**IT IS ORDERED, ADJUDGED AND DECREED** that Petitioner's Motion to Enter Amended Decree of Divorce is in all things overruled and denied.

***Vexatious Litigant***

After examining the record and the evidence and argument of counsel, the Court makes the following findings:

That, because of the Plaintiff's actions, this Court has determined Carol Pool to be a vexatious litigant as described in Texas Civil Practices and Remedies Code §11.054(2). As such,

**IT IS ORDERED** that Plaintiff is prohibited from filing pro se new litigation in a court in which the Order applies under CPRC §11.101 without permission of the local administrative judge described in § 11.102(a).

**Sanctions**

The Court finds that Petitioner has filed a groundless pleading in violation of Texas Rule of Civil Procedure 13, Section 9 and 10, Texas Civil Practices and Remedies Code. Accordingly, the Court issues sanctions against Petitioner for the following:

- a. A penalty to be paid to the Court in the amount of \$ 1000.<sup>00</sup>; and

**Attorney's Fees**

The Court finds that attorney's fees of \$3,500.00 should be assessed against Carol Keeton Pool.

**IT IS ORDERED ADJUDGED AND DECREED** that judgment is awarded to JAMES HIRAM POOL in the amount of \$3,500.00 for reasonable attorney's fees, expenses, and costs, with interest at five percent (5%) per year compounded annually from the date the judgment is signed until paid.

**IT IS ORDERED, ADJUDGED AND DECREED** that James Hiram Pool is awarded judgment for which let execution issue, against Carol Keeton Pool in the amount of \$3,500.00 for reasonable attorney fees incurred by James Hiram Pool for the prosecution of this Petition for Equitable Bill of Review, with interest at five per cent (5%) per year compounded annually from the date this judgment is entered until paid. Carol Keeton Pool is ordered to deliver to Robert J. Glasgow, at 505 North Graham, Stephenville, Texas, on or before 1:00 p.m. on April 30, 2020, a cashier's check made payable to James Hiram Pool, in the amount of \$3,500.00, for reimbursement to James Hiram Pool's attorneys fees in this cause.

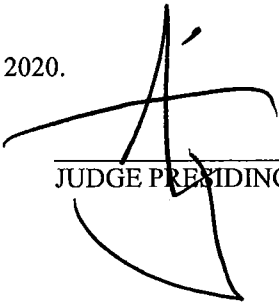
**Court Costs**

All costs of court are hereby taxed against Carol Keeton Pool.

**Relief Not Granted**

All relief requested and not expressly granted is denied.

SIGNED AND EXECUTED on May 14, 2020.



JUDGE PRESIDING