Supreme Court of Texas

No. 25-0386

Robert H. Crane,
Petitioner,

v.

Sasha Sturdivant Crane,
Respondent

On Petition for Review from the
Court of Appeals for the Thirteenth District of Texas

PER CURIAM

Respondent Sasha Crane filed this lawsuit against her next-door neighbor and father-in-law, petitioner Robert Crane, to stop him from building a fence that she alleged would interfere with her use of an express easement and deny her access to her property. Robert moved for no-evidence summary judgment, asserting that Sasha lacked evidence of an easement or any fence interfering with its use.

We are asked to decide whether Robert's motion specifically identified the elements of Sasha's claims lacking evidence. We conclude that it did because it "describes the challenged elements in sufficient detail to identify them." *State v. $3,774.28 in U.S. Currency*, 713 S.W.3d

381, 388 (Tex. 2025). Sasha sought a declaration and injunction concerning a fence that she alleged crossed her easement and denied her ingress and egress to her home. Robert contended that there was no evidence supporting these elements of Sasha's claims, and Sasha never filed any such evidence in the trial court. The trial court thus correctly granted summary judgment that Sasha take nothing. We reverse the contrary judgment of the court of appeals and reinstate the trial court's judgment.

I. BACKGROUND

Sasha and Robert have long been neighbors. In 2002, Robert and his wife granted their son Scott and his wife Sasha an easement "for the purpose of ingress and egress" to their neighboring landlocked property. The easement is "generally in the Western 24 feet" of Robert's tract but also includes roadways in existence at the time of conveyance that "deviate and extend beyond the Western 24 feet . . . but remain within the Western 60 feet" of Robert's tract. The instrument purported to bind all of Robert's successors and was recorded with the county clerk. Scott later died. In 2009, Robert and his wife executed a warranty deed to the City of McAllen, conveying slightly less than an acre of the western portion of their tract—subject to easements of record—to make way for a road expansion.

The dispute underlying this lawsuit arose on December 6, 2022, when Sasha alleges she "came home to find laborers, working for Robert Crane building a fence and cutting off access to [Sasha's] home." The next day, Sasha filed this suit for declaratory and injunctive relief "concern[ing] interference with a properly recorded and legal easement

of ingress and egress." Sasha claimed that Robert "dispossessed [her] of the right to utilize the easement to access her property by building a fence that cuts off access" and that she was entitled to injunctive relief because "[t]here is no adequate remedy at law . . . for . . . cutting off [Sasha] from accessing her home," the threat of which was "imminent because a fence on [Sasha's] property [was] being built by" Robert at the time of the filing. The trial court issued a temporary restraining order preventing Robert "from building a fence around the eastern quarter of the property which would interfere with [Sasha's] use of the paved roadway for ingress and egress to her property." Nothing in the record shows that the temporary restraining order was extended or that the trial court held a hearing on a temporary injunction.

In September 2023, nine months after the lawsuit began, Robert filed a no-evidence motion for summary judgment arguing that Sasha "cannot provide any competent summary judgment evidence that she still owns an easement that crosses [his] property, or that the cedar fence [he] installed on his southern and eastern property lines crosses any easement" belonging to Sasha. Sasha filed a response, arguing that the motion did not specify which elements of her claims lacked evidence.

The response also included four exhibits to support Sasha's claims. One exhibit was a title attorney's affidavit opining that the 2002 easement survived Robert's conveyance of the underlying land to the City of McAllen. Another was a 2019 email exchange between Robert and the City in which Robert shared concerns that Sasha's tract would not have access to the expanded road under the City's plans.

Finally, Sasha included a copy of her 2002 easement and Robert's 2009 warranty deed to the City of McAllen.

The response did not explain how these exhibits establish a genuine issue of material fact that Robert's fence interfered with her easement. Instead, it contended that there was some evidence of a "contractual violation" by the "note-holders" supporting a cause of action for civil conspiracy. Sasha's original petition does not assert these claims, and no counterclaims by Robert appear in the clerk's record.

The trial court granted summary judgment and ordered Sasha to respond to Robert's motion for costs and attorney's fees, explaining that a failure to respond would be considered non-opposition to the fee request. No response appears in the record. The trial court ordered that Robert recover $5,430 as the reasonable and necessary costs and attorney's fees incurred in defending the suit as well as conditional appellate fees.

The court of appeals reversed, holding that there was some evidence that the 2002 easement fell on part of Robert's property and that "Robert did not identify as a basis for summary judgment that no evidence existed as to his interference with Sasha's use and enjoyment of her easement." ___ S.W.3d ___, 2024 WL 5199217, at *3-4 (Tex. App.—Corpus Christi–Edinburg Dec. 19, 2024).

II. Analysis

We review a trial court's grant of summary judgment de novo. *First Sabrepoint Cap. Mgmt., L.P. v. Farmland Partners Inc.*, 712 S.W.3d 75, 84 (Tex. 2025). After an adequate time for discovery, a party may move for no-evidence summary judgment by identifying elements

of a claim or defense for which there is no evidence. TEX. R. CIV. P. 166a(b).[1] The trial court must grant the motion unless the nonmoving party produces summary judgment evidence raising a genuine issue of material fact. *Id.* R. 166a(h)(3). "A no-evidence motion provides adequate notice when the motion describes the challenged elements in sufficient detail to identify them." *$3,774.28 in U.S. Currency*, 713 S.W.3d at 388.

We begin by identifying Sasha's claims and supporting allegations before turning to whether Robert adequately identified the elements lacking evidence. Sasha seeks relief under the Declaratory Judgments Act, which empowers trial courts to declare a party's rights, status, and legal obligations when "declaratory relief is sought and a judgment or decree will terminate the controversy or remove an uncertainty." TEX. CIV. PRAC. & REM. CODE § 37.003(a), (c); *see also Bonham State Bank v. Beadle*, 907 S.W.2d 465, 467 (Tex. 1995) ("A declaratory judgment is appropriate only if a justiciable controversy exists . . . and will be resolved by the declaration sought."). The Act enumerates specific subjects on which declaratory relief is available, TEX. CIV. PRAC. & REM. CODE §§ 37.004-.005, but these enumerations "do not limit" the trial court's power to afford declaratory relief under Section 37.003, *id.* § 37.003(c).

Sasha also seeks permanent injunctive relief. To obtain such relief, she must show: "(1) a wrongful act, (2) imminent harm, (3) an

[1] Recent revisions to Texas Rule of Civil Procedure 166a added new deadlines for a motion to be heard and ruled upon but did not change the requirement to identify unsupported elements. *See* TEX. R. CIV. P. 166a, cmt. to 2026 change.

irreparable injury, and (4) the absence of an adequate remedy at law." *Pike v. Tex. EMC Mgmt., LLC*, 610 S.W.3d 763, 792 (Tex. 2020).[2]

Sasha's requests for declaratory and injunctive relief both "concern[] interference with a properly recorded and legal easement of ingress and egress." The interference she alleges is a fence that would cut off access to her property once completed. And she identifies the fence under construction as the cause of the imminent, irreparable injury she sought to prevent through an injunction. Thus, the sole basis for Sasha's request for injunctive relief is a fence that cuts off access to her home and interferes with an express easement. The same is true for her request for declaratory relief: the only justiciable controversy identified in Sasha's pleading to support a request for declaratory relief is whether the fence being built on Robert's property, once completed, would interfere with her use of an express easement.

Robert filed a no-evidence motion for summary judgment asserting that there was no evidence Sasha "still owns an easement that crosses [his] property" or that the fence he built on his southern and eastern property lines "crosses any easement" of Sasha's. Sasha argues that in doing so he failed to specify the elements of her claims lacking evidence.

We disagree. Robert's motion adequately put Sasha on notice of challenges to the elements of her declaratory action and request for

[2] We note that although Sasha's petition does not specify a cause of action to which her request for injunctive relief relates, it identifies the wrongful act as dispossessing her of the right to utilize the easement to access her property. Robert did not file special exceptions or move for summary judgment on this ground.

injunctive relief alleging that the fence interfered with Sasha's easement for ingress and egress.

The court of appeals concluded that Robert's motion failed to assert there was no evidence of interference with Sasha's easement and instead challenged "a factual theory" supporting interference. 2024 WL 5199217, at *4. But that decision was reached prior to this Court's opinion in *$3,774.28 in U.S. Currency*, in which we held that a no-evidence motion for summary judgment specifically stated the elements lacking evidence by incorporating the plaintiff's pleading allegation that an element was met. 713 S.W.3d at 387-88.

Robert's motion was likewise sufficient. Robert asserted in part that there was no evidence the fence "crosses any easement," which was the sole basis for the justiciable controversy supporting Sasha's request for declaratory relief and the imminent, irreparable injury supporting her request for injunctive relief. This was not an improper no-evidence challenge to one of multiple factual theories supporting Sasha's claim; it challenged the sole basis for the declaratory action and an element of Sasha's request for injunctive relief.

Sasha was therefore required to bring forth some evidence establishing a genuine issue of material fact that Robert interfered with an easement that belonged to her. A review of the exhibits filed with her response to Robert's motion confirms that she did not.[3] The title expert's affidavit opines only that Sasha still has an easement despite Robert conveying the underlying dominant estate to the City of McAllen.

[3] The Court's opinion is not informed by petitioner Robert Crane's Appendix Tab 4.

Copies of the 2002 easement and Robert's warranty deed to the City are similarly limited to whether Sasha *possesses* an easement—and who owns the servient estate—not whether Robert interfered with its use. And Robert's 2019 emails with the City of McAllen are no evidence of a fence on which Sasha alleges construction began in December 2022.

This evidence tends to show only that Sasha still has a right to enjoy the 2002 easement on the western portion of Robert's property.[4] But evidence that Sasha owns an easement does not establish an issue of material fact that Robert interfered with its use by building a fence on his southern and eastern property lines, and the mere existence of an easement is not itself a justiciable controversy entitling the easement holder to legal or equitable relief. The trial court correctly granted no-evidence summary judgment on Sasha's claims for declaratory and injunctive relief because Sasha presented no evidence that the fence that is the sole basis of her lawsuit interfered with her use and enjoyment of the 2002 easement.[5]

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[4] The court of appeals determined that some evidence suggests Robert still owns part of the servient estate after selling part of his tract to the City in 2009. 2024 WL 5199217, at *4. But the court recognized that ownership is not required, as an easement holder can also sue a third party that interferes with the holder's easement. *Id.* at *3.

[5] In the court of appeals, Sasha challenged the award of fees and costs by asking that it be reversed along with the summary judgment. Because we conclude summary judgment was properly granted, there is no basis to reverse the award. *See Jinsun, LLC v. Mireskandari*, 694 S.W.3d 773, 778 (Tex. App.—Houston [14th Dist.] 2024, no pet.).

III. CONCLUSION

Pursuant to Texas Rule of Appellate Procedure 59.1, without hearing oral argument, we grant the petition for review, reverse the court of appeals' judgment, and reinstate the trial court's judgment.

OPINION DELIVERED: June 26, 2026