



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-15-00392-CV

Lindemann Properties, LTD.	§	From the 97th District Court
	§	of Archer County (2013-0050A-CV)
v.	§	June 22, 2017
	§	Opinion by Justice Meier
Ward A. Campbell	§	Dissent by Justice Walker

JUDGMENT ON REHEARING

Appellant Lindemann Properties, Ltd. filed a motion for rehearing and a motion for en banc reconsideration of our opinion that issued on December 8, 2016. We deny both motions, withdraw our opinion and judgment dated December 8, 2016, and substitute the following.

This court has again considered the record on appeal in this case and holds that there was error in the trial court's judgment. It is ordered that the judgment of the trial court is affirmed in part and reversed in part. We affirm that portion of the trial court's judgment ordering that Lindemann Properties, LTD. take nothing on its claims against Ward A. Campbell. We reverse that portion of

the trial court's judgment awarding Ward A. Campbell attorney's fees and remand this case to the trial court for a new trial on only the issue of attorney's fees.

It is further ordered that Appellee Ward A. Campbell shall pay all costs of this appeal, for which let execution issue.

SECOND DISTRICT COURT OF APPEALS

By /s/ Bill Meier
Justice Bill Meier