

**CAUSE NO. 11807**

KELLY MARTIN,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
TEXAS	§	
	§	
Intervenor,	§	
	§	
v.	§	
	§	
WHITE DEER INDEPENDENT	§	
SCHOOL DISTRICT; BRADLEY	§	CARSON COUNTY, TEXAS
DAIN HAIDUK, BLAINE BOLTON,	§	
TIMMY L. BICHSEL, RAY PIPES,	§	
SHANE GRANGE, KANE BARROW,	§	
and JOE DON BROWN, in their	§	
official capacities as members of the	§	
Board of Trustees of White Deer	§	
Independent School District; KARL	§	
VAUGHN, in his official capacity as	§	
Superintendent of White Deer	§	
Independent School District,	§	
	§	
Defendants.	§	100TH JUDICIAL DISTRICT

**[PROPOSED] FINAL JUDGMENT**

Before the Court is the above styled and numbered cause. After hearing and considering the Motions for Summary Judgment, filed by Plaintiff, Intervenor, and Defendants, along with all responses and the arguments of counsel, the Court renders the following final judgment:

IT IS ORDERED the Defendants' Motion for Summary Judgment with respect to the claims brought against BRADLEY DAIN HAIDUK, BLAINE BOLTON, TIMMY L. BICHSEL, RAY PIPES, SHANE GRANGE, KANE BARROW, JOE DON BROWN, and KARL VAUGHN, is GRANTED.

IT IS ORDERED that the Plaintiff's and Intervenor's Motions for Summary Judgment regarding claims brought against BRADLEY DAIN HAIDUK, BLAINE BOLTON, TIMMY L. BICHSEL, RAY PIPES, SHANE GRANGE, KANE BARROW, JOE DON BROWN, and KARL VAUGHN are DENIED.

IT IS ORDERED that the Plaintiff's and Intervenor's Motions for Summary Judgment regarding claims brought against the WHITE DEER INDEPENDENT SCHOOL DISTRICT are GRANTED.

IT IS ORDERED that the Defendants' Motion for Summary Judgment regarding claims brought against the WHITE DEER INDEPENDENT SCHOOL DISTRICT is DENIED.

IT IS ORDERED that judgment is rendered in favor of Plaintiff and Intervenor and the Court declares the following:

1. that Section 11.13(n-1) of the Texas Tax Code is constitutional as a matter of law;
2. that Section 11.13(n-1) of the Texas Tax Code prohibits school districts from repealing or reducing the amount of a local option homestead exemption, at any time between January 1, 2015 through December 31, 2019, that was adopted for the 2014 tax year;
3. that the acts of Defendant White Deer Independent School District complained of by Plaintiff and Intervenor are in violation of S.B. 1 and S.J.R. 1. Therefore, the repeal and any reduction by Defendant White Deer Independent School District of the local option homestead exemption that it adopted for the 2014 tax year violates Section 11.13(n-1) of the Texas Tax Code and, therefore, has no effect and is void as a matter of law.

IT IS, ADDITIONALLY, ORDERED that Defendant White Deer Independent School District stop assessing and collecting property taxes through December 31, 2019, that are subject to the local option homestead exemption that it adopted for the 2014 tax year.

IT IS, ADDITIONALLY, ORDERED that Defendant White Deer Independent School District disgorge and refund to Plaintiff those property taxes that it collected

for tax years 2015, 2016, and 2017 from the Plaintiff, if any, that are subject to the local option homestead exemption that it adopted for the 2014 tax year.

IT IS, ADDITIONALLY, ORDERED that all court costs are to be borne by the party that incurred them.

IT IS, FINALLY, ORDERED that all relief requested by Plaintiff, Intervenor, or Defendants that is not specifically granted herein is denied. This is a final judgment as to all of Plaintiffs' claims, Intervenor's claims, and Defendants' claims and counterclaims against Plaintiffs and Intervenor.

SO ORDERED AND ADJUDGED this the 4/10/2018 day of \_\_\_\_\_, 2018.



HON. STUART MESSER

Prepared and submitted by:

/s/ Austin R. Nimocks  
Austin R. Nimocks  
Texas Bar No. 24002695  
Attorney General of Texas  
P.O. Box 12548, Mail Code 001  
Austin, Texas 78711-2548  
(512) 936-1414  
austin.nimocks@oag.texas.gov

ATTORNEYS FOR INTERVENOR

Approved as to form:

/s/ John B. Scott  
John B. Scott  
Texas Bar No. 17901500  
Scott PLLC  
508 West 14th Street  
Austin, Texas 78701  
(512) 690-6976  
john.scott@scottpllc.net

ATTORNEYS FOR PLAINTIFF

/s/ Slater Chalfant Elza  
Slater Chalfant Elza

Underwood  
500 S. Taylor, Suite 1200 LB 233  
Amarillo, Texas 79101  
(806) 379-0347  
slater.elza@uwlaw.com

ATTORNEYS FOR DEFENDANTS