



ALBERT FURNEY MULLER v. JERE W. LEYENDECKER & LA BOTA SAND & GRAVEL

697 S.W.2d 668 (1985) | Cited 6 times | Court of Appeals of Texas | October 16, 1985

ON APPELLANTS' MOTION FOR REHEARING

APPELLANTS' MOTION FOR REHEARING - DENIED

Albert Furney Muller, Jr. and James Robert Muller, appellants, have filed a Motion for Rehearing incorporating a request that we take judicial knowledge of the fact that a jury fee was paid in a timely manner. They stated in their original appellants' brief that the jury fee was paid. We accept this fact.

However, no jury is required in a supplemental proceeding the purpose of which is to enforce a final judgment. *Burrage v. Hunt Production Co.*, 114 S.W.2d 1228 (Tex. Civ. App. --Dallas 1938, writ *dism'd*); *Cocke v. Southland Life Insurance Co.*, 75 S.W.2d 194 (Tex. Civ. App. --El Paso 1934, writ *ref'd.*).

In a proper case orders, not inconsistent with a final judgment, may be entered for the purpose of carrying the judgment into execution. *Reynolds v. Harrison*, 635 S.W.2d 845 (Tex. App. --Tyler 1982, writ *ref'd n.r.e.*).

The motion for rehearing is denied.

* Assigned to this case by the Chief Justice of the Supreme Court of Texas as authorized pursuant to paragraph (d) of Article 1812, Texas Revised Civil statutes as amended by H. B. 2244 (Acts 1983, 68th Leg., p. 1912, Ch. 354, Sec. 1, eff. June 16, 1983).

