NO. 14-26-00272-CV

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
MAY 20 2026
CLERK

IN THE FOURTEENTH COURT OF APPEALS
HOUSTON, TEXAS

Spencer Farwell
Appellant,

v.

FOUNTAINS AT TIDWELL, LTD., ET AL.,
Appellees.

On Appeal from the 11th District Court
Harris County, Texas
Trial Court Case No. 2024-51449

APPELLANT'S MOTION FOR REHEARING

TO THE HONORABLE FOURTEENTH COURT OF APPEALS:

Appellant, Farwell proceeding Pro Se, files this Motion for Rehearing pursuant to Texas Rule of Appellate Procedure 49.1. Appellant respectfully requests this Court to rehear, reconsider, and vacate its order of dismissal dated May 5, 2026, which summarily dismissed this appeal for an alleged lack of jurisdiction. In support thereof, Appellant respectfully shows:

I. NEWLY ENFORCED JURISDICTIONAL FACT

1.1 This Court's May 5, 2026 dismissal order erroneously calculated the appellate deadlines from an absolute, void date (September 23, 2025) without factoring in the mandatory tolling provisions of Texas Rule of Civil Procedure 306a(4) and Texas Rule of Appellate Procedure 4.2.

1.2 As demonstrated below and reinforced by the attached Memorandum of Law, Appellant did not receive notice or acquire actual knowledge of the trial court's dismissal order within twenty (20) days of its signing due to an administrative failure by the district clerk.

1.3 Calculated from the date actual knowledge was first acquired in March 2026, Appellant's appellate invocation is fully timely. Dismissal of this action under these conditions represents a total collapse of procedural due process.

II. ISSUES PRESENTED FOR REHEARING

Issue 1: Did this Court err by miscalculating the jurisdictional timeline by failing to recognize that a trial court order signed in total absence of notice and a hearing is void *ab initio*, thereby carrying no legal force to activate an appellate clock?

Issue 2: Did this Court violate principles of constitutional due process, state-federal comity, and the mandatory provisions of TRCP 306a and TRAP 4.2 by terminating a 100% disabled citizen's appeal because of a clerical failure to issue mandatory postcards?

III. INCORPORATION OF RECORD & SUPPORTING MEMORANDUM

Appellant explicitly incorporates herein by reference the accompanying Appellant's Comprehensive Memorandum of Law in Support of Rehearing and the verified evidentiary exhibits attached within the Appendix.

IV. PRAYER FOR RELIEF

Appellant respectfully prays that this Court GRANT this Motion for Rehearing, VACATE its dismissal order of May 5, 2026, REINSTATE this appeal to the active docket, or in the alternative, ABATE the appeal and remand the cause to the trial court for formal entry of written jurisdictional findings.

Respectfully submitted,

By: Spencer Farwell

Pro Se Appellant

Dated: May 20, 2026.

By: Spencer Farwell

Pro Se Appellant

12620 Eastex Fwy apt 4302
Houston, Texas 77039

SWORN DECLARATION

My name is Spencer Farwell, my date of birth is 11-26-1973, and my address is 7433 Depiest 77088. I declare under penalty of perjury that the facts stated in this Motion to Abate and Remand are true and correct.

Executed in Harris County, State of Texas, on May 20, 2026.

By: _____

CERTIFICATE OF COMPLIANCE

Under Texas Rule of Appellate Procedure 9.4(i)(3), I certify that this computer-generated document contains 711 words, excluding the parts exempted by Rule 9.4(i)(1).

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion for Rehearing was served on opposing counsel, via the electronic filing manager service provider and via email on May 20, 2026.

James Carroll Butt
900 Bagby, 4th Floor
Houston, TX 77002-2527

Gregory Burnett

1019 Congress

Houston, TX 77002

Joseph August Fischer III

Jackson Walker

1401 McKinney St Ste 1900

Houston, TX 77010-1900

Javier Gonzalez Jr.

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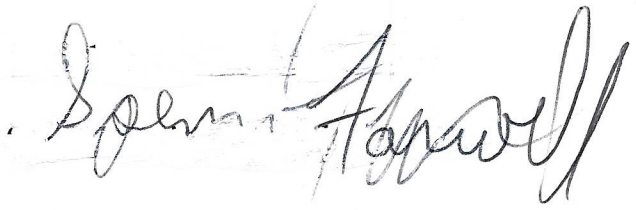
Houston, TX 77010-4037



NO. 14-26-00272-CV

IN THE FOURTEENTH COURT OF APPEALS
HOUSTON, TEXAS

APPENDIX INDEX

McDade v. Fountains at Tidwell, Ltd., et al.

A. Selena McDade disability Opinion

B. Trial Court's Dismissal Order (Sept. 23, 2025)

C. Affidavit of Selena Elaine McDade (Notice Date)

D. Postcards that were received October 3, 2025

E. District Clerk Correspondence Showing No Notice Sent

TAB-A

Exhibit #A

SOCIAL SECURITY ADMINISTRATION
Office of Hearings Operations

DECISION

IN THE CASE OF

Selena Elaine Mcdade
(Claimant)

(Wage Earner)

CLAIM FOR

Period of Disability, Disability Insurance Benefits, and Supplemental Security Income

[redacted]
(Beneficiary Notice Control Number)
Social Security Number removed for your protection

JURISDICTION AND PROCEDURAL HISTORY

This case is before the undersigned on a request for hearing dated March 27, 2023 (20 CFR 404.929 *et seq.* and 416.1429 *et seq.*). On November 16, 2023, the undersigned held a telephone hearing. All participants attended the hearing by telephone. The claimant agreed to appear by telephone before the hearing and confirmed such agreement at the start of the hearing (B17B; Testimony). The claimant is represented by Victor Nicholas Makris, an attorney. Mr. Makris' co-representative, Jason Cook, appeared with the claimant at the hearing. John Reno, an impartial vocational expert, also appeared at the hearing.

The claimant is alleging disability since July 2, 2020. At the hearing, Exhibits B1A-B15F were admitted into evidence without objections. The record is complete.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, the undersigned makes the following findings:

1. The claimant's date last insured is June 30, 2021.

2. The claimant has not engaged in substantial gainful activity (SGA) since July 2, 2020, the alleged onset date (20 CFR 404.1520(b), 404.1571 *et seq.*, 416.920(b) and 416.971 *et seq.*).

The claimant had approximate earnings of $11,588 in 2020 (B13D/4). This amount did not rise to SGA for 2020.

3. The claimant has the following severe impairments: osteoarthritis (OA); degenerative joint disease (DJD) knees; fibromyalgia (FMS); rheumatoid arthritis (RA); sleep apnea (OSA); pulmonary eosinophilia; hypertension (HTN); anemia; and obesity (20 CFR 404.1520(c) and 416.920(c)).

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*0804CIPA101947*NOTAFP.X3.CIP.AFP.ODARS.R231213.P51K 0000000000000000000HA1234231213978940010498?

While the undersigned Administrative Law Judge recognizes that the claimant has other impairments, their consideration does not add to, change, nor detract from the outcome of this decision. Therefore, those impairments are not addressed within this decision.

4. The claimant does not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525, 404.1526, 416.920(d), 416.925 and 416.926).

5. The claimant has the residual functional capacity (RFC) to perform sedentary work as defined in 20 CFR 404.1567(a) and 416.967(a) except she can understand, remember, and carryout short and simple instructions and can maintain attention and concentration throughout an eight-hour workday on simple tasks. She is limited to simple, routine, repetitive tasks. However, she would require two-three work breaks lasting 20-30 minutes in duration.

In making this finding, the undersigned has considered all symptoms and the extent to which these symptoms can reasonably be accepted as consistent with the objective medical evidence and other evidence, based on the requirements of 20 CFR 404.1529 and 416.929 and SSR 16-3p. The undersigned also considered the medical opinion(s) and prior administrative medical finding(s) in accordance with the requirements of 20 CFR 404.1520c and 416.920c.

The claimant reported that she cannot stand for long, her knees swell, she has foot pain, and her hands hurt (B7E). She has rheumatoid arthritis and eosinophilic pneumonia, and she has breathing problems. In a typical day, she spends most of the time sitting. She spends all her time thinking and worrying about finances, and she cannot sleep well. She wears a CPAP machine. She has trouble tending to personal needs because of limited mobility. She needs reminders to take medications. She does not go out alone. She is able to drive, but when her legs are in extra pain, her daughter drives. She does not socialize and prefers to not be around others. Her conditions affect her abilities to lift, squat, bend, stand, walk, kneel, climb stairs, use her hands, and remember things. She does not handle stress or changes well. She cries every day because she feels as though she has failed. She uses a walker (that she purchased on her own) on days when she is in a lot of pain.

The claimant testified that she has problems with her ankles, feet, and knees. She has pain that limits her abilities to stand, sit, and walk. When she grocery shops, she has to lean on the basket or use the motorized cart. She also cannot walk far due to shortness of breath. She has a few good days, but on bad days, she uses a walker for ambulation. This occurs three-four days per week. Without a walker, she can walk about 20-30 feet.

Musculoskeletal Impairments – Osteoarthritis (OA) and Degenerative Joint Disease (DJD)
Immune System Disorders – Rheumatoid Arthritis (RA) and Fibromyalgia (FMS)
In July 2020, during a primary care visit, the claimant reported right knee pain, which was presumed to be due to RA (B8F/54). She also endorsed left ankle swelling/pain and she explained that this was due to her putting a lot of weight on her left leg to compensate for the

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right knee pain. She said it was very painful, she was having a hard time walking, and someone had given her a walker, which she was using for ambulation.

She exhibited pain in the right knee and left ankle; a slow gait while using a walker for ambulation; right knee effusion and tenderness with limited motion; left ankle tenderness and swelling; and she was tearful during examination because of the pain (B8F/55). She was referred to rheumatology and prescribed pain medication (B8F/56).

Later in July, during a rheumatology visit, she endorsed diffuse joint pain/swelling, muscle aches, generalized fatigue, weakness in her extremities, problems walking, and back pain (B8F/40; B11F/50).

She presented with the use of a walker, and she had right knee effusion and tenderness with limited motion, as well as left ankle tenderness/swelling (B8F/45). She had tenderness in several finger joints, painful range of hip motion, bilateral knee crepitus, and left knee swelling (B11F/51). A fibromyalgia evaluation showed five tender points and two swollen joints. She underwent a right knee injection (B8F/46), and subsequently, a left knee injection (B11F/52).

The claimant underwent numerous x-rays. A pelvic/hip x-ray showed joint space narrowing bilaterally (B8F/118). A bilateral knee x-ray showed joint space narrowing and osteophytosis with degenerative changes (B8F/117). A bilateral ankle x-ray showed calcaneal spurring (B8F/118-19). A bilateral foot x-ray showed moderate osteoarthritic/degenerative changes in the right foot and mild osteoarthritic/degenerative changes in the left foot (B8F/115-16). Notes indicate she was prescribed methotrexate (see B8F/26).

Throughout the remainder of 2020 and through the first half of 2021, during rheumatology visits, the claimant reported joint pain/stiffness, including in her hands, knees, and legs (B11F/24, 31). She continued to exhibit tenderness in several finger joints, painful hip motion, knee tenderness and crepitus with swelling in the left knee, and left ankle swelling/tenderness (B11F/25, 32, 39, 47). FMS evaluation findings fluctuated, but they remained positive for diffuse muscle tenderness, four-seven tender points, and two swollen joints.

From July 2020 and throughout 2021, the claimant underwent bloodwork testing, which consistently showed positive inflammatory markers, including C-reactive protein (CRP) and erythrocyte sedimentation rate (ESR), as well as positive rheumatoid factor (RF) (see B11F/56-57, 63-64, 68-69, 73-74, 83-84, 93-94, 109, 111).

By late 2021, her rheumatologist noted the claimant had RA and OA, as well as secondary multiple joint arthritis (see B11F/10, 17, 19). She had acute on chronic, worsening joint aches/pains and stiffness that affected her hands, wrists, hips, knees, ankles, and feet – and this, in turn, limited her mobility. She had morning stiffness that lasted 30 minutes, and the pain worsened with weight-bearing.

A December examination continued to show tenderness and swelling in several finger joints, painful hip motion, knee tenderness and crepitus, and left ankle tenderness (B11F/18). She had

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diffuse muscle tenderness, 10 tender points, and eight swollen joints. Her doctor provided her a handicap parking placard and prescribed additional medications for RA (B11F/19).

In October 2022, the claimant underwent a consultative examination and partly reported having been diagnosed with RA several years prior (B12F/2-3). She could barely walk due to swollen legs, and she used a scooter for mobility due to pain. She exhibited a slow gait, she ambulated hunched over with her knees in slight flexion, and she had decreased lower extremity strength (B12F/4-5). She had difficulty squatting and arising from said position, and she was unable to heel/toe or tandem walk, as well as stand/hop on one foot. She exhibited limited range of motion in her neck, shoulders, hips, and knees (B12F/8-9). A left knee x-ray confirmed severe OA with significant joint space narrowing, sclerosis, and osteophytes (B12F/10).

Hypertension (HTN), Anemia, Sleep Apnea (OSA), and Pulmonary Eosinophilia

Records show the claimant was treated for hypertension, which was controlled with medication, as well as anemia, which was controlled with iron supplementation (see B8F/27-28).

In August 2020, during a pulmonology visit, the claimant endorsed shortness of breath, chest pain, coughing, and wheezing with medical history inclusive of OSA and eosinophilic pneumonia (B7F/49, 51). A chest CT scan showed patchy opacities with cystic appearing foci in the right lung apex (B8F/117), and a sleep study confirmed moderate OSA (B7F/36).

In November 2020, she underwent another chest CT scan because she was still having problems breathing (notes indicate she had been treated for pneumonia in 2016) (B5F/2). The CT showed extensive bronchiectasis in the right upper lobe; prior right-sided thoracotomy changes; scarring in the right lung; and a noncalcified right lung nodule (B5F/2).

In December, she endorsed coughing, wheezing, and occasional shortness of breath (B7F/53). A pulmonary function test confirmed moderate diffusion defect (B7F/54), and she was partly assessed with OSA, bronchiectasis, chest pain, and chronic eosinophilic pneumonia (B7F/55).

Later in December, she went to the hospital due to chest pain and shortness of breath (B6F/9). A chest x-ray showed chronic changes and right lung volume loss (B6F/13), and a CT scan showed, in part, right bronchiectasis and volume loss (B6F/13-14). An EKG showed normal sinus rhythm (B6F/14).

In late 2022, during a consultative examination, the claimant partly reported pneumonia, lung nodules, scarring, and bronchiectasis that caused breathing difficulty and chest pain (B12F/2-3). She said she felt short-winded after little activity, and she had to take multiple breaks just to catch her breath. She said she used a CPAP machine. A chest x-ray showed right lung nodular elements (B12F/10).

Obesity

The medical evidence indicates the claimant has obesity. Social Security Ruling (SSR) 19-2p, states that healthcare practitioners diagnose obesity based on a person's medical history, physical examinations, and body mass index (BMI). In the medical community, obesity is defined as a BMI of 30.0 or higher. In this case, the medical evidence indicates the claimant has obesity with

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a BMI ranging from 45.54 (B8F/22) to 49.81 (B7F/58). Obesity is often associated with musculoskeletal, respiratory, cardiovascular, and endocrine disorders. The combined effects of obesity with another impairment may be greater than the effects of each of the impairments considered separately. Consistent with SSR 19-2p, the undersigned considered the limiting effects of the claimant's obesity in the residual functional capacity.

RFC

Due to the claimant's degenerative, arthritic, and fibromyalgia pain and fatigue, with attendant decreased endurance and mobility, as well as respiratory and cardiac conditions and obesity, she is limited to sedentary exertion. Taking into account the chronic pain and fatigue, as well as medication side effects, with potential cognitive deficits, she can understand, remember, and carryout short and simple instructions and can maintain attention and concentration throughout an eight-hour workday on simple tasks. She is limited to simple, routine, repetitive tasks. However, due to a combination of her impairments and their physical and cognitive impacts, she would require two-three work breaks lasting 20-30 minutes in duration.

Opinions

In November 2022, state agency consultant Jeanine Kwun, M.D., opined the claimant could sustain light exertion but with standing/walking four of eight hours, and she required postural limitations (B1A/5; B2A/5). In March 2023, state agency consultant Patty Rowley, M.D., agreed with this assessment (B6A/5; B7A/5). These opinions are unpersuasive because the fully developed evidence shows the claimant is more limited to less than sedentary exertion (see B8F/45-46, 55, 115-19; B11F/10, 18, 25, 32, 39, 47, 51-52, 56-57; B12F/4-5, 8-10).

In 2022, consultative examiner Ryan White, M.D., noted the claimant had limitations with respect to standing, walking, lifting, carrying, crouching, stooping, crawling, kneeling, climbing, and balancing, due in part to RA, OA, and DJD (B12F/5-6). The Court notes this is not a detailed functional analysis, as required by the Regulations, as Dr. White did not quantify what the claimant's limitations were. Regardless, to the extent this is considered an opinion, it is persuasive because it is supported by Dr. White's findings (see B12F/4-5, 8-10), and consistent with the evidence (see B8F/45-46, 55, 115-19; B11F/10, 18, 25, 32, 39, 47, 51-52, 56-57).

In December 2021, the claimant's rheumatologist, Adnan Peer, M.D., wrote that he treated the claimant for moderate-severe RA that limited her gross/fine motor skills, ambulation, muscle strength, and range of motion (B7F/1; B11F/117). She had difficulty performing daily activities. The Court notes this is not a detailed functional analysis, as required by the Regulations, as Dr. Peer did not quantify what the claimant's limitations were. Regardless, to the extent this is considered an opinion, it is persuasive because it is supported by Dr. Peer's findings (see B11F/10, 18, 25, 32, 39, 47, 51-52, 56-57), and consistent with the evidence (see B8F/45-46, 55, 115-19; B12F/4-5, 8-10).

Summary

The residual functional capacity is supported by the evidence. The claimant was treated for multiple impairments. During examinations, she exhibited musculoskeletal tenderness/pain, decreased motion, decreased strength, swelling, tender points, and she ambulated with difficulty,

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and at times, with a walker. Imaging confirmed arthritic and degenerative changes, bloodwork confirmed systemic inflammation, and other diagnostic exams showed pulmonary impairments.

6. The claimant is unable to perform any past relevant work (20 CFR 404.1565 and 416.965).

At the hearing, John Reno, the vocational expert (VE) (B19E), testified that the claimant has past relevant work as follows:

Job Title	Dictionary of Occupational Titles No.	Exertional Level	Skill Level
Fast Food Worker	311.472-010	Light	Unskilled
Hair Stylist	332.271-018	Light	Skilled
Cashier II	211.462-010	Light	Unskilled

As required by SSR 82-62, per earnings records and self-reported work history, this work was substantial gainful activity, was performed long enough for the claimant to achieve average performance, and it was performed within the relevant period (B7D; B12D-B14D; B8E; B10E; Testimony). Accordingly, this work meets the recency, duration, and SGA requirements to qualify as past relevant work.

The residual functional capacity limits the claimant to a range of less than sedentary exertion, and this is a reflection of the most that can be sustained on a regular and continuing basis. The VE testified that the claimant's past relevant work is performed at a light exertional level. Accordingly, the claimant is unable to perform past relevant work as actually or generally performed.

Pursuant to SSR 00-4p, the undersigned determined that the vocational expert's testimony is consistent with the information contained in the Dictionary of Occupational Titles (DOT), its companion publications, and/or training and experience with respect to limitations not specifically addressed by the DOT.

7. The claimant was a younger individual age 45-49 on the established disability onset date (20 CFR 404.1563 and 416.963).

8. The claimant has a limited education (20 CFR 404.1564 and 416.964).

9. The claimant's acquired job skills do not transfer to other occupations within the residual functional capacity defined above (20 CFR 404.1568 and 416.968).

10. Considering the claimant's age, education, work experience, and residual functional capacity, there are no jobs that exist in significant numbers in the national economy that the claimant can perform (20 CFR 404.1560(c), 404.1566, 416.960(c), and 416.966).

If the claimant had the residual functional capacity to perform the full range of sedentary work, considering the claimant's age, education, and work experience, a finding of "not disabled"

See Next Page

TAB-B

Exhibit # B

Filed 25 September 26 A7:15
Marilyn Burgess - District Clerk
Harris County

CAUSE NO. 2024-51449

Pgs-3

NCA
3

MCDADE, SELENA, *Plaintiff(s)*	§	IN THE DISTRICT COURT OF
vs.	§	HARRIS COUNTY, TEXAS
FOUNTAINS AT TIDWELL LTD, *Defendant(s)*	§	011th JUDICIAL DISTRICT

Order Dismissing Action for Want of Prosecution and Under Texas Civil Practice and Remedies Code Section 13.001

On September 22, 2025, this Court considered whether or not Plaintiffs' action against Fountains at Tidwell Ltd., Hettig Management Corp., and Investors Management Group LLC should be dismissed under Rules 165a of the Texas Rules of Civil Procedure and 13 of the Texas Civil Practices and Remedies Code.

In so considering, the Court reviewed the case file to determine whether any of the defendants filed answers or were served with citations.

The Court further reviewed the pleadings to determine whether or not Plaintiffs' action had any arguable basis in law or fact. Tex. R. Civ. Pro. 13.001(a)(2).

After considering the pleadings on file in this case and the requirements of Sections 13.001 of the Texas Civil Practices and Remedies Code, the Court makes the following findings:

FINDINGS

Rule 165a

The Court finds that Plaintiffs filed this case on August 9, 2024.

A court letter was issued on January 23, 2025 informing all parties that the case was eligible for dismissal for want of prosecution because no answer had been filed. A second court letter, dated March 27, 2025, was issued informing all parties that the case would be dismissed for want of prosecution unless certain actions were taken.

Plaintiffs third amended motion for default judgment was denied on May 12, 2025.

The returns of service on file are deficient as to each defendant.

Unofficial Copy Office of Marilyn Burgess District Clerk

The record does not contain an answer, responsive pleading or other appearance by any of the defendants.

The Court finds that dismissal of all Plaintiffs' claims and causes of actions against all defendants under Rule 165a of the Texas Rules of Civil Procedure is appropriate.

Section 13.001

The Court finds that on or about August 9, 2024, Plaintiffs filed an affidavit of inability to pay pursuant to Texas Rule of Civil Procedure 145.

The Court finds that Section 13.001 of the Texas Civil Practice and Remedies Code allows this Court, on its own motion, to consider whether or not the case is frivolous or malicious and if it should be dismissed.

The Court has read Plaintiffs' pleadings and finds that the action's realistic chance of ultimate success is slight. Plaintiffs are suing various individuals and entities for actions occurring in previously heard court matters, for which the Plaintiffs had and exercised their rights to appeal. Further, Plaintiffs' complaints have no basis in law and appear to this Court to have no basis in fact. Plaintiff's pleadings challenge the final summary judgement entered in Cause No. 2017-35361. Plaintiffs filed a motion for new trial and then appealed the judgment, which was affirmed by the Fourteenth Court of Appeals. Two separate lawsuits were then filed in the Southern District of Texas, Houston Division, under Cause Numbers 4:22-cv-00517 and 4:23-cv-02118. The presiding judges dismissed each action with prejudice, which decisions were affirmed by the U.S. Fifth Circuit Court of Appeals.

Plaintiffs' claims have no arguable basis in law or in fact, it is clear to this Court that Plaintiffs cannot prove the set of facts alleged, and that the facts alleged do not support a claim under the law. Tex. Civ. Prac. & Rem. Code §§ 13.001(a)(2), and (b)(1)-(3).

The Court finds that dismissal of all Plaintiffs' claims and causes of actions against all defendants under Section 13.001 of the Texas Civil Practice and Remedies Code is appropriate.

Unofficial Copy Office of Marilyn Burgess District Clerk

TAB-C

NO. 14-26-00272-CV

IN THE FOURTEENTH COURT OF APPEALS

HOUSTON, TEXAS

AFFIDAVIT

UNSWORN DECLARATION OF SELENA ELAINE MCDADE

My name is Selena Elaine McDade. My date of birth is December 30, 1974, and my address is 12620 Eastex Fwy, Apt. 4302, Houston, Texas 77039. I am over eighteen years of age, competent to make this declaration, and have personal knowledge of the facts stated herein.

1. The trial court signed the Order of Dismissal on September 23, 2025.

2. I did not participate in any hearing that resulted in the dismissal of my case, and I was not given notice or an opportunity to be heard before the dismissal was signed.

3. Approximately ten days after the dismissal order was signed, I received only a postcard from the district clerk. The postcard did not include a copy of the signed dismissal order, did not explain my appellate rights, and did not explain any deadlines to challenge the dismissal.

4. After receiving the postcard, I filed objections and a verified motion to reinstate. The trial court did not rule on those motions.

5. I waited several months for a response or ruling from the trial court, but no ruling was made by the 11th District Court.

6. Because no ruling was made and because I did not participate in the dismissal hearing, I filed this restricted appeal seeking review of the dismissal order. I declare under penalty of perjury that the foregoing is true and correct. Executed in Harris County, Texas, on this 20th day of May, 2026.

/s/ Selena Elaine McDade SELENA ELAINE MCDADE

TAB-D

FOLLOWING ACTIVITY OCCURRED:
DISMISSED FOR WANT OF PROSECUTION

FARWELL, SPENCER
7433 DEPRIEST,
HOUSTON, TX 77088

MARILYN BURGESS
DISTRICT CLERK, HARRIS COUNTY



CRT - 011 CASE - 202451449
MCDADE, SELENA
VS
FOUNTAINS AT TIDWELL LTD
BE ADVISED ON 09/23/2025 THE
FOLLOWING ACTIVITY OCCURRED.
DISMISSED FOR WANT OF PROSECUTION

Return Service Requested

PRESORT
FIRST CLASS
U.S. POSTAGE
PAID
QIM

MCDADE, SELENA
7433 DEPRIEST
HOUSTON, TX 77088

MARILYN BURGESS
DISTRICT CLERK, HARRIS COUNTY

Exhibit # D

TAB-E

Exhibit # E

HCDistrictclerk.com MCDADE, SELENA vs. FOUNTAINS AT TIDWELL LTD 5/20/2026

Cause: 202451449 CDI: 7 Court: 011

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
126539357	Memorandum Opinion (Fourteenth Court of Appeals)		05/05/2026	4
126193701	Notice from Fourteenth Court of Appeals		04/15/2026	1
126148380	Notice from Fourteenth Court of Appeals		04/14/2026	1
125936662	Request for documents to be included in the Clerks record		04/01/2026	4
125893593	Notice from The Fourteenth Court of Appeals		03/24/2026	1
125737905	Notice from the Fourteenth Court of Appeals		03/18/2026	1
125655746	Notice of Appeal		03/17/2026	2
125655747	Request		03/17/2026	3
restricted	Statement of Inability to Afford Costs		03/17/2026	3
123432415	Amended Proposed Order Granting Movants Motion to Reinstate Case on Court Docket		10/27/2025	1
123213950	Petitioners Objection to Dismissal and Verified Motion to Reinstate Under TRCP 165a		10/17/2025	6
-> 123213952	Exhibit B		10/17/2025	24
-> 123213953	Exhibit C		10/17/2025	1
-> restricted	Exhibit D		10/17/2025	4
123213955	Proposed Order Granting Movants Motion to Retain Case on Court Docket		10/17/2025	1
122834212	DISMISSED FOR WANT OF PROSECUTION		09/23/2025	3
	NO COSTS ALLOCATED		09/23/2025	
122753548	DCA Generic Letter		09/22/2025	8
122591191	Amended Motion For Expedited/ Emergency Hearing On Motion To Show Cause And brief		09/08/2025	11
122115601	Motion For Expedited/ Emergency Hearing On Motion To Show Cause And Brief		08/08/2025	11
121872951	Affidavit of Sepencer Farwell		07/25/2025	28
121460002	Petitioners Comprehensive Brief in Support of Bill of Review Alleging Farad Upon Court, Court Clerk Misconduct, and Systematic Due process Violations		07/07/2025	27
-> 121460004	Appendix - A to Petitioners Comprehensive Brief in Support of Bill of Review Alleging Farad Upon Court, Court Clerk Misconduct, and Systematic Due process Violations		07/07/2025	11
120512701	ORDER SIGNED DENYING DEFAULT JUDGMENT		05/12/2025	1
120352392	Notice of Hearing		05/02/2025	3
120326561	Motion To Show Cause, Demand For Sanctions, Request For Judicial Investigation, Notice Of Federal Liability Under 42. U.S.C. 1986 & 1988, And Plea For Appointment Of Counsel		04/25/2025	9
-> 120326562	Exhibit B		04/25/2025	21
-> 120326565	Exhibit D		04/25/2025	32
-> 120326569	Exhibit F		04/25/2025	13
-> 120326570	Exhibit H		04/25/2025	8
-> 120326574	Exhibit J		04/25/2025	16
-> 120326575	Exhibit M		04/25/2025	28

Number	Document	Post Jdgm	Date	Pgs
-> 120326576	Proposed Order Granting Movants Moton To Show Cause		04/25/2025	1
120326577	Proposed Order Granting Movants Motion For Appointment Of Counsel		04/25/2025	1
119898183	Letter to Court Regarding Plaintiffs' History as Vexatious Litigants		04/08/2025	5
-> 119898185	Exhibit A - Warning		04/08/2025	4
-> 119898187	Exhibit B - Correspondence		04/08/2025	9
119693243	DCA Generic Letter		03/27/2025	8
119685171	ORDER SIGNED RECUSING JUDGE		03/25/2025	1
	ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED		03/25/2025	
119667328	Alternative Motion To Retain Case On The Docket		03/21/2025	4
-> 119667330	Proposed Order Granting Movants Motion To Retain Case On Court Docket		03/21/2025	1
119446037	Proposed Order Granting Movants Motion for Default Judgment		03/12/2025	1
119446034	Movants Third Amended Meritorious Motion for Default Judgment		03/10/2025	6
-> 119446035	Exhibit S		03/10/2025	4
119446036	Affidavit of Spencer Farwell		03/10/2025	3
119446038	Notice of Submission		03/10/2025	1
118558525	DCA Generic Letter		01/23/2025	8
118436937	Amended Motion for Default Judgment		01/14/2025	6
-> 118436938	Exhibit R-01		01/14/2025	3
-> 118436940	Exhibit R-02		01/14/2025	13
-> 118436941	Exhibit R-03		01/14/2025	48
-> 118436942	Proposed Order Granting Movants Motion for Default Judgment		01/14/2025	1
118161254	Motion for Default Judgement		12/26/2024	6
-> 118161258	Envelope		12/26/2024	1
-> 118161256	Exhibit - Q		12/26/2024	10
-> 118161257	Proposed Order Granting Movants Motion for Default Judgment		12/26/2024	1
117792000	Domestic Return Receipt		11/26/2024	2
117708223	Domestic Return Receipt		11/18/2024	2
117708224	Domestic Return Receipt		11/18/2024	2
117538278	Certified Mail Receipt 7019 2970 0001 3508 5454		11/05/2024	1
117538280	Certified Mail Receipt 7019 2970 0001 3508 5461		11/05/2024	1
117538281	Certified Mail Receipt 7019 2970 0001 3508 5478		11/05/2024	1
117413805	Certified Mail Tracking Number 7019 2790 0001 3508 5454		11/04/2024	2
117413806	Certified Mail Tracking Number 7019 2970 0001 3508 5478		11/04/2024	2
117413807	Certified Mail Tracking Number 7019 2970 0001 3508 5461		11/04/2024	2
restricted	Affidavit of Prima Facie Meritorious Defense		11/01/2024	20
-> restricted	Exhibit P		11/01/2024	44
-> 117334075	Exhibit P-01		11/01/2024	43
116733208	Motion for Change of Venue and Objections		09/30/2024	6
-> 116733210	Exhibit O		09/30/2024	39

Number	Document	Post Jdgm	Date	Pgs
166417486	ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED		09/23/2024	1
115854462	Petition Verified Original Petition for Equitable Bill of Review		08/09/2024	17
115854464	Affidavit of Spencer Farwell in Support of Movants Equitable		08/09/2024	8
-> 115854476	Exhibit 01		08/09/2024	54
-> 115854468	Exhibit Table of Content		08/09/2024	1
-> 115854463	Proposed Order Granting Movants Verified Original Equitable Bill of Review		08/09/2024	1
-> 115854465	Request for Issuance of Service		08/09/2024	1
-> 115854466	Request for Issuance of Service		08/09/2024	1
-> 115854467	Request for Issuance of Service		08/09/2024	1
restricted	Statement of Inability to Afford Payment of Court Costs or an Appeal Bond in Justice Court		08/09/2024	3

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
MAY 20 2026
CLERK

May 20, 2026

Clerk of the Court
Fourteenth Court of Appeals
301 Fannin Street

Houston, Texas 77002

Re: Farwell **v. Fountains at Tidwell, Ltd., et al.**
Case No. **14-26-00272-CV**

Submission of Motions and Affidavit

Dear Clerk:

Please file the enclosed documents in the above-referenced appeal:

1. **Appellant's Motion to Abate and Remand for Rule 306a Findings**
2. **Appellant's Motion for Rehearing**
3. **Affidavit of Selena Elaine McDade in Support of Rule 306a Motion**
4. **Updated Appendix Index**

These filings are submitted in response to the Court's dismissal order dated May 5, 2026, and are necessary to establish the jurisdictional notice date under **TRCP 306a(4)** and **TRAP 4.2(c)**.

Please notify me if any additional information or corrections are required.

Respectfully, Spencer Farwell
5-20-2026

Houston, Texas 77C