

on August 15, 2012 (hereinafter collectively referred to as the “summary judgment orders”¹ - - See true copies of said summary judgment orders attached as Exhibits “A” and “B”, hereto respectively). These “summary judgment orders”, and the claims and matters referenced therein, were severed and thus rendered final and appealable by the Court also signing another order on August 15, 2012 that severed these summary judgment orders (via its order entitled: “*Order To Sever*”).

Defendants Stephen B. Hopper and Laura S. Wassmer have already filed their notice of appeal as to portions of the summary judgment orders on August 15, 2012. Accordingly, Plaintiff’s deadline to file her notice of appeal is September 14, 2012. See Tex. R. App. P. Rule 26.1; see also Tex. R. App. P., Rule 26.1(d) (“if any party timely files a notice of appeal, another party may file a notice of appeal within the applicable time period stated above or 14 days after the first filed notice, *whichever is later*”). [italics emphasis added] This Notice Of Appeal by Plaintiff is thus filed timely on this date.

II.
THE APPEAL
A.

Plaintiff, whose name is “Jo N. Hopper”, is the appealing party herein, appealing these “summary judgment orders” and the matters and claims referenced therein, to the Fifth District Court of Appeals sitting in Dallas, Dallas County, Texas. Plaintiff files the original of this Notice

¹ In designating these orders as the “summary judgment orders”, Plaintiff does not intend to have, nor should she be deemed in any way to have, waived challenging some of the rulings in the “summary judgment orders”, as being improperly granted. Specifically, some of these rulings therein, made by the Court, were not based on any party seeking summary judgment on such grounds. In other words, referring to these orders (Exhibits “A” and “B”) as the “summary judgment orders” is a matter of mere convenience, only, and they are so designated to avoid confusion, but such designation is not meant to, nor should it be construed or deemed to, attach any legal significance to such designation – which is made only for convenience sake.

Of Appeal in this Honorable (trial) Court as to the above-referenced cause, and a copy in the Dallas Court of Appeals. *See* Tex. R. App. P., Rule 25.1(e). Plaintiff also serves this Notice Of Appeal on all parties in the trial Court, as set forth more specifically in the attached certificate of service. *Id.*

B.

Plaintiff also requests that this Honorable Probate Court No. 3 and Court of Appeals note that Plaintiff has requested this Honorable Court enter a new/amended severance order assigning a new cause number to the matters severed, and has presented such a proposed order to the Court previously. To date, such a new/amended order has not yet been entered. To the extent that any such new or amended severance order is entered by this Honorable Court hereafter assigning such new cause number to the summary judgment orders and claims/matters severed, Plaintiff Jo N. Hopper prays that this Court and Court of Appeals deem and recognize this Plaintiff's Notice Of Appeal to be and have been made timely as to that new cause number as well, without the necessity of filing a new (second) Notice of Appeal.

III. **PRAYER**

Plaintiff requests that the Court accept this, her timely-filed Notice Of Appeal, and that the trial Court, as well as Clerk and Court reporter of this Court, all coordinate with the Court of Appeals as further requested and in accordance with the Texas Rules of Appellate Procedure, including preparing and forwarding the Clerk's Record and Reporter's Record.

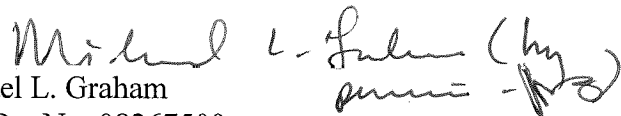
By:



(lead appellate counsel)

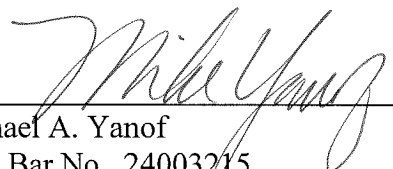
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ATTORNEYS FOR PLAINTIFF (AND
APPELLANT) JO N. HOPPER

CERTIFICATE OF SERVICE

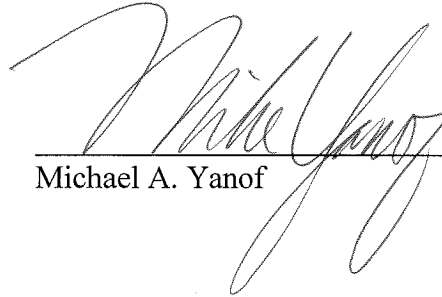
I certify that I have transmitted a true and correct copy of the foregoing document to the counsel listed below this 10th day of September, 2012 as follows.

Via Facsimile

Thomas H. Cantrill
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Via Facsimile

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A handwritten signature in black ink, appearing to read "Michael A. Yanof", is written over a horizontal line. The signature is fluid and cursive.

Michael A. Yanof

No. PR-11-3238-3

IN RE: ESTATE OF) IN THE PROBATE COURT
 MAX D. HOPPER,)
 DECEASED)

JO N. HOPPER,) NO. 3
 Plaintiff,)

V.

JP MORGAN CHASE, N.A., STEPHEN)
 B. HOPPER and LAURA S. WASSMER) DALLAS COUNTY, TX

SECOND REVISED ORDER ON MOTIONS FOR SUMMARY JUDGMENT

On the 31st day of January, 2012, came on to be heard the following matters: 1) Plaintiff Jo N. Hopper's Motion For Partial Summary Judgment; 2) Stephen Hopper's and Laura Wassmer's Second Amended Motion for Partial Summary Judgment; JPMorgan Chase Bank, N.A.'s Response To Jo Hopper's Motion For Partial Summary Judgment And Stephen Hopper's And Laura Wassmer's Second Amended Motion For Partial Summary Judgment; and 3) various objections, written and oral, concerning the presentation of the above matters.

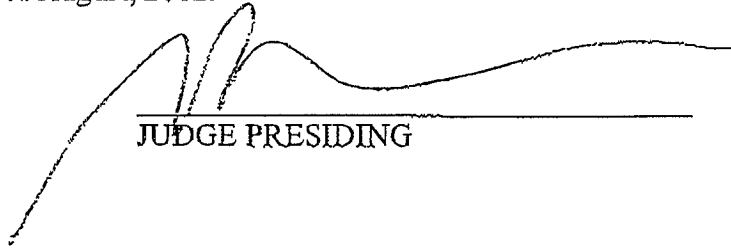
The Court:

1. GRANTS Issue Nos. One, Six, and Seven of Plaintiff Jo N. Hopper's Motion For Partial Summary Judgment;
2. DENIES Issue Nos. Two through Five, and Eight of Plaintiff Jo N. Hopper's Motion For Partial Summary Judgment;
2. GRANTS Issue Nos. Two, and Three, in Stephen Hopper's and Laura Wassmer's Second Amended Motion For Partial Summary Judgment;
3. DENIES Issue Nos. Four and Issue No. Five, of Stephen Hopper's and Laura Wassmer's Second Amended Motion For Partial Summary Judgment;;
4. DENIES all objections, written and oral, concerning the presentation of the above matters.



This Revised Order shall in all things substitute for the Order signed by this Court on May 18, 2012.

SIGNED this the 15th day of August, 2012.



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JUDGE PRESIDING

No. PR-11-3238-3

IN RE: ESTATE OF)	IN THE PROBATE COURT
MAX D. HOPPER,)	
DECEASED)	
JO N. HOPPER,)	NO. 3
Plaintiff,)	
V.		
JP MORGAN CHASE, N.A., STEPHEN)	
B. HOPPER and LAURA S. WASSMER)	DALLAS COUNTY, TX

ORDER ON WRITTEN AND ORAL MOTIONS

On the 31st day of January, 2012, and on August 6, 2012, came on to be heard various motions, both written and presented to the Court, and oral and presented to the Court by consent by virtue of their presentment;

And after hearing the arguments of counsel, the Court issues the following orders at counsels' request:

1. DECLARES that the Independent Administrator JPMORGAN CHASE BANK, N.A., may distribute the Robledo property in undivided interests, subject to the Homestead Right and the existing mortgage indebtedness, to-wit: 50% to Jo N. Hopper, and 25% each to Decedent's two children, at any time, including the present time;
2. DECLARES that the Independent Administrator JPMORGAN CHASE BANK, N.A., may require return of [some] distributions previously

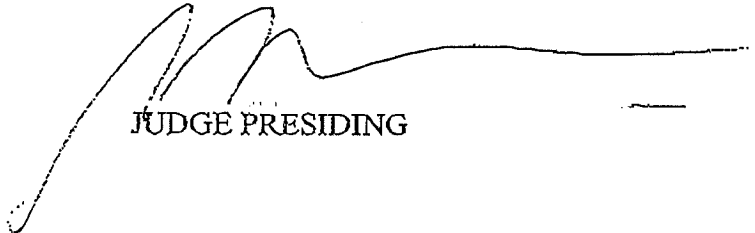
distributed to any party ("clawback"), if necessary for the proper administration of this estate;

3. DECLARES that all such returns of distributions of property, cash, stocks, and other property, shall be effected by the Independent Administrator exercising its sole authority and discretion, but which shall not be exercised unreasonably;
4. DECLARES that the evidence presented in the various motions and affidavits, and all other material presented to the Court, indicate by a preponderance of the evidence that the Independent Administrator has only made distributions that were not "unlawful;"
5. DECLARES that the obligation to pay casualty insurance on the Robledo residence shall fall one-half to Jo N. Hopper, one-fourth to Stephen Hopper, and one-fourth to Laura Wassmer, with such modification as may be appropriate for due regard of Jo N. Hopper's Homestead Right, as of the date of delivery of said deeds; and that the Independent Administrator shall have been burdened with the obligation to pay for such insurance from the date of Decedent's death until the date of the delivery of the deeds; and that the Independent Administrator shall forthwith reimburse to any party who has suffered payment of same, that portion of the insurance payment paid by such party that the Independent Administrator should have paid;
6. DECLARES that henceforth the parties with deeds shall both be included on such policies of insurance, and shall pay for same in the proportion of

ownership, with due regard for the homestead right enjoyed by the
occupying widow;

This Revised Order shall in all things substitute for the Order signed by this Court
on May 18, 2012.

SIGNED this the 15th day of August, 2012.



JUDGE PRESIDING