

No. 16-1005

IN THE SUPREME COURT OF TEXAS

KENNETH H. TARR,

Petitioner,

v.

TIMBERWOOD PARK OWNERS ASSOCIATION, INC.,

Respondent.

On Petition for Review From the Fourth Court of Appeals
San Antonio, Texas, No. 04-16-00022-CV

FIRST UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE PETITION FOR REVIEW

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December 15, 2016

TO THE HONORABLE SUPREME COURT OF TEXAS:

Petitioner files this First Unopposed Motion for Extension of Time to File Petition for Review under Tex. R. App. P. 10.1, 10.5(b), and 53.7(f). In support of this motion, Petitioner shows the following:

1. The Court of Appeals for the Fourth district in San Antonio rendered its opinion and judgment in *Kenneth H. Tarr v. Timberwood Park Owners Assoc., Inc.*, No. 04-16-00022-CV, on November 16, 2016. The petition for review is due no later than January 3, 2017.

2. Petitioner requests an extension of time of 24 days, to January 27, 2017.

3. Petitioner's counsel, a solo practitioner with no staff, is currently handling seven live appeals with upcoming briefing and argument deadlines in addition to more appeals anticipated in the coming weeks and a heavy caseload in various trial courts around the state. The end-of-year holiday schedule makes meeting all the deadlines difficult. Petitioner's counsel provides the following non-exhaustive list of matters to which he must devote substantial time in the coming weeks:

- *James W. McGrath v. Ridgpoint Rentals, LLC*, No. CIV30246 (Polk 258th Dist.) and *Ridgpoint Rentals, LLC v. James W. McGrath et al.* No. 09-16-00393-CV (Tex. App. - Beaumont 2016) (interloc. appeal of TI

pending);

- *Eliz. Hubbell v. Mystic Shores Prop. Owners Assoc.* No. 03-16-00736-CV (Tex. App. - Austin 2016) (pending); and *In re Eliz. Hubbell*, No. 03-16-00739-CV (Tex. App. - Austin 2016) (orig. proceeding) (pending);
- *Village Shores Prop. Owners Assoc. v. The C. Phelps Family Limited Partnership*, No. 2016-0756B (Comal 207th Jud. Dist.);
- *Metcalf v. BCAT 2014-9TT A/K/A BCAT 2014-9TT Trust*, No. 03-16-00795 (Tex. App. - Austin 2016) (pending);
- *Boatner v. Reitz*, No. 03-16-00817-CV (Tex. App. - Austin 2016) (pending);
- *In Re Robert and Roberta Anding v. City of Austin Code Department*, No. 8517803 (Muni. Ct. of Austin, Tex.) (civ. app. pending);
- *Quinones et al. v. New Penn Financial et. al.*, Civ. Action No. 5:15-CV-848-FB (W.D.Tex.-San Antonio 2016) (pending);
- *JBrice Holdings, LLC et al. v. Wilcrest Walk Townhomes Assoc.. Inc.*, No. 2016-38805 (Harris 125th Jud. Dist. 2016);
- *Vann Fam. Irrevoc. Trust v. Homeowners Assoc. for Woodland Park of Georgetown, Inc.*, No. 3SC-16-0035

(Williamson County Justice Court 3);

- *Tracey Drapkin v. Waterstone Development, L.P. et al.*, No. C-1-CV-16-002909 (Travis County Court at Law 2);
- Travis County District Court - two active court-appointed property and turnover receiverships, anticipated business receivership.
- New, time-sensitive suit for filing in Dallas, Texas.

This is Petitioner's first request for an extension of time in this case.

The undersigned has conferred with opposing counsel, who indicated there was no opposition to this request. Undersigned counsel confirmed with opposing counsel Petitioner will not oppose opposing counsel's request on behalf of his clients should they request an extension of time to file their response.

Therefore, Petitioner prays that this Court grant this motion for extension of time.

Respectfully submitted,

/s/ JPS

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CERTIFICATE OF CONFERENCE

As required by Tex. R. App. P. 10.1(a)(5), I certify that I have conferred with Frank O. Carroll, who indicated that this motion is unopposed.

CERTIFICATE OF SERVICE

I certify that on December 16, 2016, per T.R.A.P. 6.3(b), a true and correct copy of this Motion was served by efileing and email on:

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/s/ J. Patrick Sutton

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