

CAUSE NO. 1-25-1000

DMDS LAND COMPANY LLC and  
D.R. HORTON-TEXAS, LTD.,  
Plaintiffs,

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IN THE DISTRICT COURT

v.

ROCKWALL COUNTY, TEXAS

ROCKWALL COUNTY,  
Defendant.

382<sup>nd</sup> JUDICIAL DISTRICT

**ORDER DENYING PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT**

On this the 30th day of March 2026, the Court considered Plaintiffs’ Amended Motion for Partial Summary Judgment (the “Amended Motion”) filed by Plaintiffs DMDS Land Company LLC DMDS (“DMDS”) and D.R. Horton-Texas, Ltd. (“Horton”) (collectively, “Plaintiffs”), the County’s Amended Response to Plaintiffs’ Motion for Partial Summary Judgment, Plaintiffs’ Reply to Defendant’s Response to Plaintiffs’ Amended Motion for Partial Summary Judgment, the supplemental briefs submitted by the parties on facial challenges, the competent summary judgment evidence submitted by the parties, and arguments of counsel. The Court orders as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiffs’ Amended Motion for Partial Summary Judgment is hereby DENIED and the Court declares as follows:

1. Items listed in Section 5.10 of the County Subdivision Regulations are NOT null and void on their face because as Plaintiffs’ assert, “they are incapable of being supported by a professional engineer’s report under Sec. 231.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS.” However, the assertion does raise a fact question necessitating an expert’s opinion as to each item listed in Section 5.10 of the County

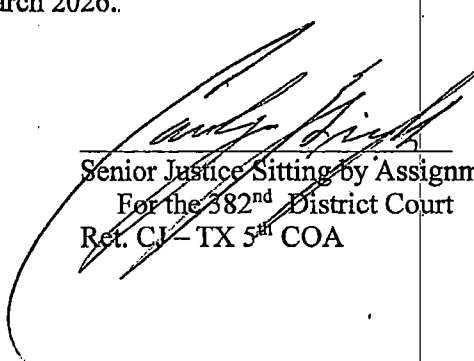
Subdivision Regulations seeking to assess the developer a portion of the infrastructure costs under Sec. 232.110 (a) of the Texas Local Government Code. All items listed in Sec. 5.10 of the County Subdivision Regulations are capable of constituting county infrastructure improvements under Section 232.110 of the Texas Local Government Code if “a county requires...as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs.”

2. The County is not specifically prohibited under Texas law from imposing an apportionment fee on developers to pay for the items listed in Section 5.10 of the Rockwall County Subdivision and Land Development Regulations (“County Subdivision Regulations”). However, the County must comply with Sec. 232.110 of the Texas Local Government Code if it does so. Further, the Developer is entitled to appeal excessive or unreasonable fees or fees that fail to comply with applicable legislation.
  
3. All items in Section 5.10 of the County Subdivision Regulations that are subject to Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS, including roads and police, are required to have a professional engineer’s report that supports the developer’s portion of the costs as approved by the engineer who must be retained by the county as more fully described in Section 232.110(a) of the Texas Local Government Code. Notwithstanding approval or disapproval under Sec. 231.110, all items listed in Section 5.10 of the County Subdivision Regulations might also be subject to regulation under other governmental code provisions.

4. The Court finds that the evidence before the court is insufficient to grant the relief requested in Petitioner's Motion for Partial Summary Judgment on appeal to the District Court from the County Commissioners' Order under Section 232.110 of the Texas Local Government Code. Therefore, Petitioner's request to recover costs, reasonable and necessary attorney's fees, and expert witness fees under Section 232.110(e) of the Texas Local Government Code and Section 37.009 of the Texas Civil Practice and Remedies Code is premature at this stage of the litigation.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the remaining causes of action or matters not herein decided in Plaintiffs' First Amended Petition, including the award of Plaintiffs' applicable costs, reasonable and necessary attorney's fees, and expert witness fees, will be considered either at trial, by agreement between the parties, in a mediated settlement agreement or by further disposition from the Court. In keeping with this Order, the parties are to agree to a mediator and submit an Order for Mediation that includes the Mediator's name and a Scheduling Order that includes discovery deadlines, designations of experts, and a trial setting by April 20, 2026.

ORDERED this the 30<sup>th</sup> day of March 2026.



Senior Justice Sitting by Assignment  
For the 382<sup>nd</sup> District Court  
Ret. CJ - TX 5<sup>th</sup> COA