

No. C-1-PB-14-001695

ESTATE OF

STELLA MARIE POWELL,

DECEASED

§
§
§
§
§

IN THE PROBATE COURT

NUMBER 1

TRAVIS COUNTY, TEXAS

ORDER ON SPECIAL EXCEPTIONS AND MOTION TO DISMISS

On this day, the Court considered Applicants James Powell and Alice Huseman's Special Exceptions to, and Motion to Dismiss, Sonemaly Phrasavath's (1) Contest to Applicants' Application for Determination of Heirship and Issuance of Letters of Independent Administration and (2) Counter-application to Determine Heirship, for Appointment of Dependent Administrator and Issuance of Letters of Administration (collectively, the "Special Exceptions and Motion to Dismiss"). Having considered the Special Exceptions and Motion to Dismiss, the response and supplemental response filed by Sonemaly Phrasavath, the arguments of counsel, and all other papers on file in this matter, the Court hereby DENIES the Special Exceptions in their entirety.

In denying the Special Exceptions, the Court finds that Texas Family Code § 2.401, Texas Family Code § 6.204(b), and Article I, § 32 of the Texas Constitution are unconstitutional insofar as they restrict marriage in the State of Texas to a union of a man and woman and prohibit the creation or recognition of marriage to same-sex couples, because such restrictions and prohibitions violate the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Signed on February 17, 2015.


HONORABLE JUDGE GUY HERMAN

Approved as to form:


