

**DISMISS and Opinion Filed July 26, 2023**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

**No. 05-22-00892-CV**

**IN RE ESTATE OF REGGY G. WEST, DECEASED**

**On Appeal from the Probate Court No. 3  
Dallas County, Texas  
Trial Court Cause No. PR-20-989-3**

**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Pedersen, III, and Justice Goldstein  
Opinion by Chief Justice Burns

In the underlying lawsuit, appellee Mary West filed an application to probate the will of Reggy G. West, the deceased. Appellant Regena Marie Truelson opposed the application and filed a cross-application for probate of will and issuance of letters of independent administration. After considering appellee's application, the trial court sua sponte appointed Ashlei Dior Gradney as temporary administrator. Appellant appeals from this order. Because the term of the temporary administrator had expired, the Court questioned whether the appeal was now moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) (case becomes moot if controversy ceases to exist between parties at any stage of legal proceedings, including appeal); *MSC Gleannloch LLC v. Harris*

*Cnty. Water Control & Improvement Dist. No. 119*, No. 14-19-00157-CV, 2020 WL 6278477, at \*2 (Tex. App.—Houston [14th Dist.] Oct. 27, 2020, no pet.) (vacating temporary injunction order that has become moot and dismissing appeal); *Nat’l Collegiate Athletic Ass’n v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999) (appellate courts lack jurisdiction over moot controversies). As directed, appellant filed a letter brief addressing the jurisdictional issue.

In her letter brief, appellant does not disagree that the appeal is moot. Appellant asks, however, that if we conclude the appeal is moot that we first dismiss appellee’s application for letters testamentary upon which the order appointing a temporary administrator was premised because, appellant asserts, appellee lacked standing to seek letters testamentary. Neither the order appointing a temporary administrator nor that order’s subsequent mootness resolved the competing applications for letters testamentary between appellant and appellee. On the record before this Court, those competing applications remain pending. Thus, we decline appellant’s request to dismiss appellee’s application for letters testamentary.

Because the appeal has become moot, we vacate the trial court’s June 3, 2022 order appointing a temporary administrator and dismiss the appeal. *See MSC Gleannloch LLC*, 2020 WL 6278477, at \*2; TEX. R. APP. P. 42.3(a).

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

IN RE ESTATE OF REGGY G.  
WEST, DECEASED

No. 05-22-00892-CV

On Appeal from the Probate Court  
No. 3, Dallas County, Texas  
Trial Court Cause No. PR-20-00989-  
3.

Opinion delivered by Chief Justice  
Burns. Justices Pedersen, III and  
Goldstein participating.

In accordance with this Court's opinion of this date, the appeal is  
**DISMISSED.**

It is **ORDERED** that appellee Mary West recover her costs of this appeal  
from appellant Regena Marie Truelson.

Judgment entered July 26, 2023