



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-22-00404-CV

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JOSEPH YAMMINE, Appellant

v.

EMAD TAQ, Appellee

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On Appeal from County Court at Law No. 1  
Tarrant County, Texas  
Trial Court No. 2022-005127-1

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Before Wallach, J.; Sudderth, C.J.; and Walker, J.  
Per Curiam Memorandum Opinion

## MEMORANDUM OPINION

Appellant Joseph Yammine filed this appeal from the trial court's forcible detainer judgment against him. The trial court's judgment awarded Appellee Emad Taq possession of the premises at issue, and Yammine's brief challenges the sufficiency of the evidence establishing that Taq had superior right to possession.

The Texas Property Code provides that a county court's judgment in an eviction suit may not be appealed "on the issue of possession" unless the property in question is used only for residential purposes. Tex. Prop. Code Ann. § 24.007. Here, however, the record suggests that the property in question is commercial property, and Yammine confirmed at trial that it was not his residence. Accordingly, on September 15, 2023, we notified Yammine of our concern that we did not have jurisdiction over this appeal. We cautioned Yammine that we would dismiss the appeal unless he or another party filed a response showing grounds for the appeal's continuance. *See* Tex. R. App. P. 42.3(a), 44.3. We have not received a response.

Because this appeal raises the issue of possession, but the trial evidence demonstrates that the property was not used for residential purposes, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f); *Kinsella v. Kent Sports Holdings, L.P.*, 636 S.W.3d 331, 332 (Tex. App.—Amarillo 2021, no pet.) (per curiam).

Per Curiam

Delivered: October 19, 2023