

**DISMISS; Opinion issued February 13, 2013**



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

**No. 05-12-01368-CV**

**DANIEL HERNANDEZ AND ALL OTHER OCCUPANTS, Appellants**

**V.**

**WELLS FARGO BANK, NA AS TRUSTEE FOR STRUCTURED ASSET SECURITIES  
CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 1998-3,  
Appellee**

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**On Appeal from the County Court at Law No. 1  
Dallas County, Texas  
Trial Court Cause No. CC-11-02876-A**

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**MEMORANDUM OPINION**

**Before Chief Justice Wright and Justices Lang-Miers and Lewis  
Opinion by Chief Justice Wright**

Before the Court is appellee's motion to dismiss the appeal as moot. Appellants appeal from the trial court's judgment awarding possession of property to appellee. Appellee informs the Court that it obtained a writ of possession and has been given possession of the property. Appellants did not file a response to the motion to dismiss.

A case becomes moot if, at any stage during the proceedings, a controversy ceases to exist between the parties. *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001). The purpose of a forcible detainer action is to obtain immediate possession of property. *See Scott v. Hewitt*, 127 Tex. 31, 35, 90 S.W.2d 816, 818-19 (1936). A judgment of possession in a forcible detainer action determines the right of immediate possession and is not intended to be a final

determination of whether the eviction is wrongful. *See Marshall v. Housing Auth. of the City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006).

Appellants failed to supersede the trial court's judgment. The judgment has been executed on and appellee is now in possession of the property. The issue of possession is no longer in controversy. Accordingly, we grant appellee's motion and dismiss the appeal. *See* Tex. R. App. P. 42.3(a).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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

JUDGMENT

DANIEL HERNANDEZ AND ALL  
OTHER OCCUPANTS, Appellants

No. 05-12-01368-CV V.

WELLS FARGO BANK, NA AS  
TRUSTEE FOR STRUCTURED ASSET  
SECURITIES CORPORATION,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 1998-3, Appellee

On Appeal from the County Court at Law  
No. 1, Dallas County, Texas  
Trial Court Cause No. CC-11-02876-A.  
Opinion delivered by Chief Justice Wright.  
Justices Lang-Miers and Lewis participating.

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

It is **ORDERED** that appellee, Wells Fargo Bank, NA as Trustee for Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 1998-3, recover its costs of the appeal from appellants, Daniel Hernandez and All Other Occupants.

Judgment entered February 13, 2013.

/Carolyn Wright/

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CAROLYN WRIGHT  
CHIEF JUSTICE