

DISMISS; Opinion Filed February 4, 2014.



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

No. 05-12-01609-CV

**THE HOUSING AUTHORITY OF THE CITY OF DALLAS, TEXAS, Appellant
V.
SCHEVONNE L. BLUITT HECHAVARRIA AND ALL OCCUPANTS, Appellees**

**On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-12-04107-B**

MEMORANDUM OPINION

Before Justices O'Neill, Myers, and Brown
Opinion by Justice Myers

The Housing Authority of the City of Dallas, Texas appeals the take-nothing judgment rendered against it in its suit for forcible detainer and unpaid rent against Schevonne L. Bluitt Hechavarria and all occupants. On December 5, 2013, Dallas County Court at Law No. 4, in cause number CC-13-05074-D, signed an order providing that the parties had agreed that a writ of possession may issue to the Dallas Housing Authority for the property at issue, that Hechavarria and all occupants had agreed to vacate the property before the writ of possession took effect, and that the parties had agreed to the dismissal of this appeal. Despite this order, appellant did not file a motion to dismiss this appeal as required by the order. On January 7, 2014, we notified the parties that it appeared this appeal was now moot, and we requested the parties to file responses by January 20, 2014 explaining why this Court retains jurisdiction over

this appeal. As of this date, neither party has filed a response. We conclude this appeal is moot. See *Marshall v. Housing Auth. of City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006) (surrendering possession of property moots appeal in forcible detainer case when lessee has no potential claim to current, actual possession of property); *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 195 S.W.3d 807, 817 (Tex. App.—Dallas 2006, orig. proceeding) (settlement of claims moots those claims on appeal).

We dismiss this appeal as moot.

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/Lana Myers/

LANA MYERS
JUSTICE



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

JUDGMENT

THE HOUSING AUTHORITY OF THE
CITY OF DALLAS, TEXAS, Appellant

No. 05-12-01609-CV V.

SCHEVONNE L. BLUITT
HECHAVARRIA AND ALL
OCCUPANTS, Appellees

On Appeal from the County Court at Law
No. 2, Dallas County, Texas
Trial Court Cause No. CC-12-01407-B.
Opinion delivered by Justice Myers.
Justices O'Neill and Brown participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **DISMISSED** as moot.

It is **ORDERED** that appellees SCHEVONNE L. BLUITT HECHAVARRIA AND ALL OCCUPANTS recover their costs of this appeal from appellant THE HOUSING AUTHORITY OF THE CITY OF DALLAS, TEXAS.

Judgment entered this 4th day of February, 2014.

/Lana Myers/

LANA MYERS
JUSTICE