

DISMISS; and Opinion Filed November 26, 2013.



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

No. 05-13-01001-CV

KESHA COBB, Appellant

V.

FEDERAL HOME LOAN MORTGAGE CORPORATION, Appellee

**On Appeal from the County Court at Law No. 3
Dallas County, Texas
Trial Court Cause No. CC-13-03213-C**

MEMORANDUM OPINION

Before Justices Moseley, Lang, and Brown
Opinion by Justice Brown

Before the Court is appellee's motion to dismiss the appeal as moot. Appellant appeals from the trial court's judgment awarding possession of property to appellee. Appellee has informed the Court that it obtained a writ of possession and has been given possession of the property. Appellant 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. *See 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 to 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).

Appellant failed to supersede the judgment. The judgment has been executed on and appellee now has 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).

/Ada Brown/

ADA BROWN
JUSTICE

131001F.P05



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

JUDGMENT

KESHA COBB, Appellant

No. 05-13-01001-CV V.

FEDERAL HOME LOAN MORTGAGE
CORPORATION, Appellee

On Appeal from the County Court at Law
No. 3, Dallas County, Texas.

Trial Court Cause No. CC-13-03213-C.

Opinion delivered by Justice Brown.

Justices Moseley and Lang, participating.

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

It is **ORDERED** that appellee, FEDERAL HOME LOAN MORTGAGE CORPORATION, recover its costs of this appeal from appellant, KESHA COBB.

Judgment entered this 26th day of November, 2013.

/Ada Brown/

ADA BROWN

JUSTICE