

**DISMISS; and Opinion Filed December 4, 2014.**



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

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**No. 05-14-00899-CV**

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**RANDALL W. MOIR, Appellant  
V.  
JP MORGAN CHASE NA, Appellee**

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**On Appeal from the 429th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 429-04102-2013**

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**MEMORANDUM OPINION**

Before Justices FitzGerald, Fillmore, and Stoddart  
Opinion by Justice Fillmore

Randall Moir appeals the trial court's order granting the application for expedited foreclosure of a home equity lien filed by appellee JP Morgan Chase Bank, NA, pursuant to Texas Rule of Civil Procedure 736.8. Upon review of the clerk's record, it appeared that the order from which the appeal was taken was not an appealable order. On August 19, 2014, we notified appellant by letter that we questioned our jurisdiction over the appeal. We gave appellant ten days to file a jurisdictional brief explaining how this Court has jurisdiction in light of the provisions of rule 736.8(c). In response, appellant stated that a rule 736 order is appealable when "basic legal principles of common law regarding jurisdiction and standing have been violated." Thereafter, appellee responded that the appeal should be dismissed for lack of jurisdiction on the ground the order is not appealable based on the plain language of rule 736.

Appellee noted that appellant has cited no authority in support of his proposition that the order is appealable.

Appellate courts may review only final judgments or interlocutory orders specifically made appealable by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Rule 736.8(c) specifically provides that an order granting or denying an application under rule 736 “is not subject to a motion for rehearing, new trial, bill of review, or appeal” and must be challenged in a separate, independent, original proceeding in a court of competent jurisdiction. *See* TEX. R. CIV. P. 736.8(c); *see also Pittman v. Fed. Nat’l Mortg. Ass’n*, No. 05-14-00853-CV, 2014 WL 4207154, at \*1 (Tex. App. Dallas Aug. 26, 2014, no pet.) (mem. op.) (dismissing appeal for want of jurisdiction). Here, the order appellant seeks to appeal granted the expedited home equity foreclosure application filed by appellee pursuant to rule 736.8. The appeal is precluded by rule 736.8(c). *See* TEX. R. CIV. P. 736.8(c). The Legislature has provided appellant a means for challenging the trial court’s order, but that exclusive means is an original proceeding in a court of competent jurisdiction rather than an appeal to this Court. Because appellant challenges an unappealable order, we hold that we have no jurisdiction to consider this appeal.

Accordingly, we dismiss this appeal for want of jurisdiction.

/Robert M. Fillmore/  
ROBERT M. FILLMORE  
JUSTICE

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

**JUDGMENT**

RANDALL W. MOIR, Appellant

No. 05-14-00899-CV      V.

JP MORGAN CHASE NA, Appellee

On Appeal from the 429th Judicial District  
Court, Collin County, Texas  
Trial Court Cause No. 429-04102-2013.  
Opinion delivered by Justice Fillmore,  
Justices FitzGerald and Stoddart  
participating.

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

It is **ORDERED** that appellee JP MORGAN CHASE NA recover its costs of this appeal from appellant RANDALL W. MOIR.

Judgment entered this 4th day of December, 2014.