

Dismissed and Opinion Filed October 28, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-00243-CV

CHARLES A. FARRIS AND ALL OTHER OCCUPANTS, Appellants
V.

NATIONSTAR MORTGAGE, LLC, Appellee

On Appeal from the 95th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-06124-D

MEMORANDUM OPINION

Before Justices Lang, Myers, and Evans
Opinion by Justice Evans

This appeal involves an expedited foreclosure action under Texas Rule of Civil Procedure 736. *See* TEX. R. CIV. P. 736. The trial court granted Nationstar Mortgage, LLC’s application for an expedited order, after which Charles Farris and all other occupants (collectively, “Farris”) filed a motion to “reinstate for new trial.” The trial court denied the motion, and this appeal followed.

Because an order granting an application for expedited foreclosure order is not subject to a motion for new trial or to an appeal, we directed the parties to file letter briefs addressing our jurisdictional concern. *See id.* 736.8(c). In his brief, Farris acknowledges an expedited order is not subject to reconsideration or review. He argues we have jurisdiction, though, because the trial court’s order granting Nationstar’s application is void. Farris notes the suit was initially

dismissed in December 2014 for want of prosecution. On Nationstar's motion, however, the trial court reinstated the suit. Farris argues the trial court had no authority to reinstate under rule 736, and, as a result, we have jurisdiction to determine the validity of the order. We disagree.

By its plain language, rule 736.8(c) prohibits appeals, motions for rehearing or new trial, and bills of review from orders *granting or denying* an application for expedited foreclosure. *See id.* The rule does not prohibit motions to reinstate from orders dismissing the suit for want of prosecution. *See id.*

We dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

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/David Evans/

DAVID EVANS
JUSTICE



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

JUDGMENT

CHARLES A. FARRIS AND ALL OTHER
OCCUPANTS, Appellants

No. 05-16-00243-CV V.

NATIONSTAR MORTGAGE, LLC,
Appellee

On Appeal from the 95th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-13-06124-D.

Opinion delivered by Justice Evans. Justices
Lang and Myers participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** appellee Nationstar Mortgage, LLC recover its costs, if any, of this appeal from appellants Charles Farris and all other occupants

Judgment entered this 28th day of October, 2016.