

Dismissed and Opinion Filed October 27, 2016



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

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No. 05-16-01231-CV

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**JOHN S. STRITZINGER, Appellant**

**V.**

**CHRISTINA TRUST, A DIVISION OF WILMINGTON SAVINGS FUND SOCIETY,  
FSB NOT IN ITS INDIVIDUAL CAPACITY, BUT AS TRUSTEE OF ARLP TRUST 5,  
Appellee**

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**On Appeal from the 126th District Court  
Travis County, Texas  
Trial Court Cause No. D-1-GN-16-001852**

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**MEMORANDUM OPINION**

Before Chief Justice Wright and Justices Lang-Miers and Stoddart  
Opinion by Chief Justice Wright

On October 18, 2016, appellant filed copies of his first amended notice of interlocutory appeal filed in the Third Court of Appeals and a copy of his request for transfer from the Third Court of Appeals to this Court. On October 21, 2016, this Court referred appellant's request to transfer to the Supreme Court of Texas for decision and abated the appeal pending disposition of the motion to transfer by the Supreme Court of Texas. On October 24, 2016, the Supreme Court of Texas denied appellant's request to transfer. As a result, we are without jurisdiction over this appeal.

Accordingly, we lift the October 21, 2016 abatement, reinstate the appeal, dismiss this appeal for want of jurisdiction, and deny as moot appellant's October 18, 2016 and October 24, 2016 motions for emergency stay and appellant's October 18, 2016 request to waive fees.

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

161231F.P05



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

**JUDGMENT**

JOHN S. STRITZINGER, Appellant

No. 05-16-01231-CV      V.

CHRISTINA TRUST, A DIVISION OF  
WILMINGTON SAVINGS FUND  
SOCIETY, FSB NOT IN ITS INDIVIDUAL  
CAPACITY, BUT AS TRUSTEE OF ARLP  
TRUST 5, Appellee

On Appeal from the 126th District Court,  
Travis County, Texas  
Trial Court Cause No. D-1-GN-16-001852.  
Opinion delivered by Chief Justice Wright.  
Justices Lang-Miers and Stoddart  
participating.

In accordance with this Court's opinion of this date, the October 21, 2016 abatement is **LIFTED**, this appeal is **REINSTATED** and is **DISMISSED** for want of jurisdiction, and appellant's October 18, 2016 and October 24, 2016 motions for emergency stay and appellant's October 18, 2016 request to waive fees are **DENIED AS MOOT**.

It is **ORDERED** that appellee CHRISTINA TRUST, A DIVISION OF WILMINGTON SAVINGS FUND SOCIETY, FSB NOT IN ITS INDIVIDUAL CAPACITY, BUT AS TRUSTEE OF ARLP TRUST 5 recover its costs of this appeal from appellant JOHN S. STRITZINGER.

Judgment entered this 27th day of October, 2016.