

Denied and Opinion Filed December 20, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-01438-CV

IN RE CHRISTINE L. BLOW AND KEN A. BLOW, Relators

Original Proceeding from the 219th Judicial District Court
Collin County, Texas
Trial Court Cause No. 219-02930-2015

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Schenck
Opinion by Justice Evans

Before the Court is relators' petition for writ of mandamus in which they seek relief from the district court's November 29, 2016 order denying relators' request to enjoin enforcement of a justice court's previously issued writ of possession and granting real party in interest U.S. Bank's request to execute the same writ of possession. The facts and issues are well known to the parties, so we need not recount them here.

To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on the record before us, we conclude relators have not shown they are entitled to the relief requested. *See Guillen v. U.S. Bank, N.A.*, 494 S.W.3d 861, 867–68 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (relator's claim that foreclosure was invalid due to statute of limitations was a title issue independent of the issue of possession and did not bar justice court from determining right to possession); *see also*

TEX. R. CIV. P. 510.9 (permitting appeal to county court of justice court's final judgment of eviction); TEX. PROP. CODE ANN. § 24.007 (permitting appeal to court of appeals of county court's final judgment of eviction when premises used for residential purposes only); TEX. R. APP. P. 52.8(a); TEX. R. CIV. P. 510.13; *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Accordingly, we deny relators' petition for writ of mandamus.

/s/David Evans/

DAVID EVANS
JUSTICE

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