

DISMISS; and Opinion Filed December 28, 2017.



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

No. 05-17-01150-CV

**CARLINE LEWIS, Appellant
V.
WILMINGTON SAVINGS FUND SOCIETY, FSB, Appellee**

**On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-17-04770**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Fillmore

Carline Lewis appeals the trial court's order granting the application for expedited foreclosure of a home equity lien filed by appellee Wilmington Savings Fund Society, FSB, pursuant to Texas Rule of Civil Procedure 736.1. Upon review of the clerk's record, it appeared that the order from which the appeal was taken was not an appealable order. On November 21, 2017, we notified appellant by letter that we questioned our jurisdiction over the appeal. We gave appellant until December 8, 2017 to file a jurisdictional brief explaining how this Court has jurisdiction in light of the provisions of rule 736.8(c). As of today's date, appellant has not filed the requested brief.

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 lien foreclosure application filed by appellee pursuant to rule 736. 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 conclude 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

CARLINE LEWIS, Appellant

No. 05-17-01150-CV V.

WILMINGTON SAVINGS FUND
SOCIETY, FSB, Appellee

On Appeal from the 193rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-17-04770.
Opinion delivered by Justice Fillmore.
Justices Lang-Miers and Stoddart
participating.

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

It is **ORDERED** that appellee WILMINGTON SAVINGS FUND SOCIETY, FSB recover its costs of this appeal from appellant CARLINE LEWIS.

Judgment entered this 28th day of December, 2017.