

**DISMISS; and Opinion Filed August 23, 2019.**



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

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**No. 05-19-00208-CV**

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**IN THE ESTATE OF VICTORIA GOSWAMI, DECEASED**

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**On Appeal from the Probate Court No. 2  
Dallas County, Texas  
Trial Court Cause No. PR-17-02806-2**

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**MEMORANDUM OPINION**

Before Justices Bridges, Brown, and Nowell  
Opinion by Justice Brown

Martino Rivaplata and Julia Rivasplata appeal from the probate court's order denying their counter-application to determine heirship. We questioned our jurisdiction over this appeal because there did not appear to be an appealable order. At the Court's direction, the parties filed letter briefs addressing the Court's jurisdictional concern.

Probate proceedings may have multiple judgments that are final for purposes of appeal. *See De Ayala v. Mackie*, 193 S.W.3d 575, 578 (Tex. 2006). A judgment in a proceeding to declare heirship is a final judgment. *See* TEX. ESTATES CODE ANN. § 202.202. A final judgment in a proceeding to declare heirship must include the names of the heirs of the decedent and the heirs' respective shares and interests in the decedent's property. *See id.* § 202.201(a)(1), (2).

In this case, Eduardo Renteria filed an application to determine heirship listing six heirs of decedent. Rivaplata and Rivasplata filed their counter-application to determine heirship. On January 27, 2019, the probate court signed an order denying their counter-application. This

order, however, does not constitute a final judgment in the heirship proceeding because it fails to name the heirs and provide the respective interests of the heirs in the decedent's property. *See id.* § 202.201(a). Although the probate court denied the counter-application to determine heirship, Renteria's application to determine heirship remains pending. Nothing in appellants' letter brief supports this Court's jurisdiction over this appeal.

The appealed order does not finally dispose of the heirship proceeding and is, therefore not reviewable on appeal. Accordingly, we dismiss this appeal for want of jurisdiction and all pending motions. *See* TEX. R. APP. P. 42.3(a).

/Ada Brown/  
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ADA BROWN  
JUSTICE

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

**JUDGMENT**

IN THE ESTATE OF VICTORIA  
GOSWAMI, DECEASED

No. 05-19-00208-CV

On Appeal from the Probate Court No. 2,  
Dallas County, Texas  
Trial Court Cause No. PR-17-02806-2.  
Opinion delivered by Justice Brown. Justices  
Bridges and Nowell participating.

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

It is **ORDERED** that appellees Eduardo Renteria and Marisela Olivares recover their costs of this appeal from appellants Martino Rivaplata and Julia Margarita Rivasplata.

Judgment entered this 23rd day of August, 2019.