

**VACATE and DISMISS and Opinion Filed August 27, 2019**



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

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**No. 05-19-00705-CV**

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**FRANCISCO HERNANDEZ, Appellant**

**V.**

**NATIONAL CHURCH RESIDENCES OF GRAND PRAIRIE, TX D/B/A LENNOX  
HOUSE APARTMENTS, Appellee**

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**On Appeal from the County Court at Law No. 5  
Dallas County, Texas  
Trial Court Cause No. CC-19-02631-E**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Nowell  
Opinion by Chief Justice Burns

This is an appeal from the county court at law's order evicting Francisco Hernandez from the apartment he occupied. National Church Residences of Grand Prairie d/b/a Lennox House Apartments filed the forcible detainer action in justice court and, after the justice court granted judgment in favor of National Church Residences, Hernandez appealed to the county court.

Hernandez's appeal to the county court was filed on April 3, 2019, six days after the March 28, 2019 judgment. Because an appeal from a justice court's order of eviction to the county court must be filed within five days of judgment, we questioned the county court's jurisdiction over the appeal and in turn, our jurisdiction. *See* TEX. R. CIV. P. 510.9(a) (appeal in eviction cases must be filed within five days of judgment); *William v. Schneiber*, 148 S.W.3d 581, 583 (Tex. App.—Fort Worth 2004, no pet.) (county court lacks jurisdiction over untimely-filed appeal bond from justice

court); *Dallas Cty. Appraisal Dist. v. Funds Recovery, Inc.*, 887 S.W.2d 465, 468 (Tex. App.—Dallas 1994, writ denied) (appellate court jurisdiction extends no further than that of court from which appeal is taken). We directed Hernandez to file a letter brief addressing our concern no later than July 29, 2019 and cautioned that failure to comply could result in dismissal of the cause without further notice. *See* TEX. R. APP. P. 42.3(a),(c); *Funds Recovery*, 887 S.W.2d at 468. To date, Hernandez has not responded.

When, as here, the county court lacked jurisdiction, we have jurisdiction only to set aside the judgment and dismiss the cause. Accordingly, we **VACATE** the county court’s May 24, 2019 judgment and dismiss the cause. *See Funds Recovery*, 887 S.W.2d at 468.

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

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

**JUDGMENT**

FRANCISCO HERNANDEZ, Appellant

No. 05-19-00705-CV      V.

NATIONAL CHURCH RESIDENCES OF  
GRAND PRAIRIE, TX D/B/A LENNOX  
HOUSE APARTMENTS, Appellee

On Appeal from the County Court at Law  
No. 5, Dallas County, Texas

Trial Court Cause No. CC-19-02631-E.

Opinion delivered by Chief Justice Burns,  
Justices Molberg and Nowell participating.

In accordance with this Court's opinion of this date, we **VACATE** the county court's May 24, 2019 judgment and **DISMISS** the cause.

Judgment entered August 27, 2019