

DISMISS and Opinion Filed October 19, 2021



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

No. 05-21-00366-CV

**LIDIA SILVA, Appellant
V.
MICHAEL QUINTANILLA, Appellee**

**On Appeal from the 471st Judicial District Court
Collin County, Texas
Trial Court Cause No. 471-02505-2019**

MEMORANDUM OPINION

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

We questioned our jurisdiction over this appeal as there does not appear to be a final judgment. We directed appellant to file, by September 10, 2021, a letter brief addressing our concern and cautioned her that failure to comply may result in dismissal of the appeal. As of today's date, appellant has not complied.

Generally, this Court has jurisdiction over final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a) (listing appealable interlocutory orders).

Appellant appeals from the trial court's order granting plaintiff's motion for summary judgment. In that order, the trial court orders the parties "to set a hearing on partition of the property and for prove up of Plaintiff's attorneys' fees and costs." Because matters remain to be resolved, the judgment is not final. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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

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

JUDGMENT

LIDIA SILVA, Appellant

No. 05-21-00366-CV V.

MICHAEL QUINTANILLA,
Appellee

On Appeal from the 471st Judicial
District Court, Collin County, Texas
Trial Court Cause No. 471-02505-
2019.

Opinion delivered by Chief Justice
Burns. Justices Molberg and
Goldstein participating.

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

It is **ORDERED** that appellee MICHAEL QUINTANILLA recover his costs
of this appeal from appellant LIDIA SILVA.

Judgment entered October 19, 2021.