

DISMISS and Opinion Filed December 13, 2021



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

No. 05-21-00857-CV

**BYRON HUTCHINGS, ANITA HUTCHINGS, HAYLEY HUTCHINGS,
AND HUNTER HUTCHINGS, Appellants**

V.

**MELROSE ACQUISITION, L.L.C., A SUBSIDIARY OF MAXUS
PROPERTIES, L.L.C., Appellee**

**On Appeal from Justice Court Precinct Three, Place Two
Dallas County, Texas
Justice Court Cause No. JE19-04654N**

MEMORANDUM OPINION

Before Justices Schenck, Osborne, and Partida-Kipness
Opinion by Justice Partida-Kipness

This appeal, filed October 1, 2021, complains of the justice court's October 30, 2019 order of eviction and purported failure to notify the county court of appellants' November 2019 appeal from that order. Because civil appeals to a court of appeals may generally only be taken from a district or county court's final judgment in which the amount in controversy exceeds \$250, *see* TEX. CIV. PRAC. & REM. CODE § 51.012, we questioned our jurisdiction over this appeal.

In response to our request for jurisdictional briefing, appellants filed three letter briefs, asserting, in relevant part, that the amount-in-controversy exceeds

\$100,000.¹ The amount-in-controversy threshold, however, is not the only prerequisite; a final judgment from a district or county court is also required. *See* TEX. CIV. PRAC. & REM. CODE § 51.012. Because the appeal complains of the justice court, we lack jurisdiction. *See id.* Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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¹ Appellants also assert they timely filed their appeal to the county court and ask that we compel the justice of the peace and justice court clerk to file the clerk's and reporter's records.



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

JUDGMENT

BYRON HUTCHINGS, ANITA
HUTCHINGS, HAYLEY
HUTCHINGS, AND HUNTER
HUTCHINGS, Appellants

No. 05-21-00857-CV V.

MELROSE ACQUISITION, L.L.C.,
A SUBSIDIARY OF MAXUS
PROPERTIES, L.L.C., Appellee

On Appeal from Justice Court
Precinct Three, Place Two, Dallas
County, Texas
Trial Court Cause No. JE19-04654N.
Opinion delivered by Justice Partida-
Kipness, Justices Schenck and
Osborne participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered December 13, 2021.