

DISMISS and Opinion Filed April 21, 2022



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

No. 05-22-00099-CV

**DAVID L. PERRY, Appellant
V.
AMBER VISTA, Appellee**

**On Appeal from the County Court at Law No. 7
Collin County, Texas
Trial Court Cause No. 007-04368-2021**

MEMORANDUM OPINION

Before Justices Myers, Carlyle, and Goldstein
Opinion by Justice Myers

This is an appeal from the county court at law's judgment of eviction. The eviction proceeding began in the justice court and was filed in the county court as an appeal from the justice court's judgment. *See* TEX. R. CIV. P. 510.3(b), 510.10. The deadline for filing the appeal from the justice court to the county court was five days after the justice court's judgment was signed. *See id.* 510.9(a). The appeal, however, was filed seven days after the deadline.

Because a county court lacks jurisdiction over an untimely filed appeal from justice court, and our jurisdiction over the merits of this cause extends no further than the county court's jurisdiction, we directed appellant to file a letter brief

addressing our jurisdiction. *See Williams v. Schneiber*, 148 S.W.3d 581, 583 (Tex. App.—Fort Worth 2004, no pet.); *Dallas Cty. Appraisal Dist. v. Funds Recovery, Inc.*, 887 S.W.2d 465, 468 (Tex. App.—Dallas 1994, writ denied). More than ten days have passed and appellant has not responded.

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

/Lana Myers/

LANA MYERS
JUSTICE

220099F.P05



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

JUDGMENT

DAVID L. PERRY, Appellant

No. 05-22-00099-CV V.

AMBER VISTA, Appellee

On Appeal from the County Court at
Law No. 7, Collin County, Texas
Trial Court Cause No. 007-04368-
2021.

Opinion delivered by Justice Myers,
Justices Carlyle and Goldstein
participating.

In accordance with this Court's opinion of this date, we **VACATE** the county court at law's January 27, 2022 judgment and **DISMISS** the cause.

Judgment entered April 21, 2022.