

Opinion issued November 10, 2010



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-00057-CV

MARK JOHNSON, Appellant

V.

**LISA C. COPPEL, INDIVIDUALLY AND AS INDEPENDENT
ADMINISTRATOR OF THE ESTATE OF JOAN J. COUNTS, Appellee**

**On Appeal from Probate Court No. 3
Harris County, Texas
Trial Court Case No. 362,660-402**

MEMORANDUM OPINION

Appellant, Mark Johnson, appeals from the trial court's granting of summary judgment against all claims he brought against appellee, Lisa C. Coppel.

Johnson brought suit against Coppel asking the trial court to declare certain deeds void due to forgery. Coppel brought two counterclaims of Declaratory

Judgment Action to Quiet Title and Action to Remove Cloud from Title. Coppel filed a motion for summary judgment against Johnson's claims. The trial court granted Coppel's motion and ordered that "Coppel's motion for summary judgment against Mark Johnson pursuant to Rule 166a and Rule 166a(i) for all claims made by Mark S. Johnson in this cause is in all things GRANTED." The order does not address Coppel's claims against Johnson or in any other way suggest finality.

On September 27, 2010, the Clerk of the Court issued a letter to Johnson stating that it appeared that the judgment from which he was appealing was not final. The Clerk of the Court gave Johnson 20 days to respond to show that this Court had jurisdiction over the appeal. Johnson did not respond.

The general rule, with a few mostly statutory exceptions, not present here, is that an appeal may be taken only from a final judgment. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). "A judgment is final for purposes of appeal if it disposes of all pending parties and claims in the record" *Id.* Here, the judgment being appealed is not final because it does not dispose of Coppel's claims against Johnson. Accordingly, we are without jurisdiction to consider the appeal.

We dismiss the appeal for want of jurisdiction.

Per Curiam

Panel consists of Justices Keyes, Higley, and Bland.