

Opinion issued February 6, 2018



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-17-00061-CV

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**NECHOL NICKS HENDERSON, Appellant**

**V.**

**EVERBANK AND JME PROPERTIES LLC, Appellees**

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**On Appeal from the 151st District Court  
Harris County, Texas  
Trial Court Case No. 2014-09246**

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**MEMORANDUM OPINION**

Appellant, Nechol Nicks Henderson, is attempting to appeal a January 5, 2017 post-judgment order for writ of possession. Because we have no jurisdiction, we dismiss the appeal.

The trial court signed an interlocutory order granting a partial motion for summary judgment on January 12, 2016. On January 25, 2016, the trial court signed a final order granting Everbank's motion to dismiss its remaining causes of action. In this order, the trial court stated that the order made the prior interlocutory summary judgment "a FINAL APPEALABLE Order." Henderson did not appeal this 2016 judgment.

Almost a year later, Everbank filed a motion for writ of possession in aid of enforcement of the judgment, asking the trial court to authorize the district clerk to issue a writ of possession to the purchaser at the judicial foreclosure sale. The trial court held a hearing on December 12, 2016. On January 5, 2017, the trial court signed an order authorizing the district clerk to issue a writ of possession in aid of enforcement of the judgment to JME Properties LLC. Henderson filed her notice of appeal on January 24, 2017.

Generally, an appeal may only be taken from a final judgment. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Post-judgment orders enforcing or carrying out an already-rendered judgment are not final orders and generally may not be appealed. *See Sintim v. Larson*, 489 S.W.3d 551, 556 (Tex. App.—Houston [14th Dist.] 2016, no pet.). Some post-judgment orders are appealable. *See, e.g., Burns v. Miller, Hiersche, Martens & Hayward, P.C.*, 909 S.W.2d 505, 506 (Tex. 1995) (turnover orders are final and appealable). But the January 2017 order here is

an order authorizing the clerk to issue a writ of possession under Rule 310 and is not a post-judgment enforcement order made appealable by statute. *See* TEX. R. CIV. P. 310; *Broussard v. Bank of N.Y.*, No. 01–14–00214–CV, 2014 WL 3887720, at \*1 (Tex. App.—Houston [1st Dist.] Aug. 7, 2014, no pet.) (mem. op.) (holding docket entry made during post-judgment enforcement was in nature of writ of execution and not appealable); *LaFontaine v. Hendricks Prop. Mgmt.*, No. 04–11–00044–CV, 2011 WL 1158399, at \* 1 (Tex. App.—San Antonio Mar. 30, 2011, no pet.) (mem. op.) (holding writ of possession is neither final judgment nor appealable interlocutory order).

This Court issued a notice to Henderson advising her that we would dismiss the appeal for want of jurisdiction unless she filed a response within 14 days, establishing that this Court had jurisdiction. Henderson filed no response.

We dismiss this appeal for lack of jurisdiction. Any pending motions are dismissed as moot.

### **PER CURIAM**

Panel consists of Justices Jennings, Massengale, and Caughey.