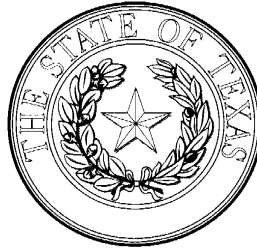


Opinion issued December 20, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00413-CV

LAWRENCE FLOWERS, Appellant
V.
INVEST HOME PRO, Appellee

On Appeal from the County Court at Law No. 4
Harris County, Texas
Trial Court Case No. 1165892

MEMORANDUM OPINION

In this appeal, Lawrence Flowers argues the county court at law and justice of the peace court lacked jurisdiction over the forcible-detainer suit Home Invest Pro brought against him. We agree with Flowers that resolving the right to possession of the property in this case necessarily required resolving a title dispute, so the lower

courts lacked jurisdiction. We vacate the lower courts' judgments and dismiss the case.

BACKGROUND

Both Flowers and Home Invest Pro claim to own the property in question. Flowers contends that his mother owned the property, and he and his brother inherited the property from her when she died. Home Invest Pro contends that Flowers and his brother's widow signed a deed conveying their ownership interest to Staci Valles, Flowers's cousin, and Home Invest Pro then bought the property from her. Flowers lives on the property and does not pay rent to Home Invest Pro.

Home Invest Pro filed a forcible-detainer suit in the justice of the peace court seeking to evict Flowers. Home Invest Pro claimed Flowers was a tenant at sufferance, holding over his tenancy on the property after it had ended. When Flowers did not appear at the hearing, the justice court rendered a default judgment for Home Invest Pro. Flowers then appealed to the county court, which held a trial de novo. Before the trial, Flowers filed a supplemental answer, claiming the county court lacked jurisdiction because he owned the property. He further claimed, as an affirmative defense, that there was no landlord-tenant relationship between Home Invest Pro and himself.

The county court rendered judgment for Home Invest Pro, awarding it possession of the property. Flowers now appeals.

DISCUSSION

Flowers claims the justice court and county court lacked jurisdiction to decide the forcible-detainer suit because they were required to decide title in determining the right to possession of the property. We agree.

Standard of review and applicable law

Whether a court has subject-matter jurisdiction is a question of law we review de novo. *Yarbrough v. Household Fin. Corp. III*, 455 S.W.3d 277, 279 (Tex. App.—Houston [14th Dist.] 2015, no pet.).

Justice of the peace courts and, on appeal, county courts have jurisdiction over forcible-detainer suits. TEX. PROP. CODE § 24.004(a); TEX. GOV'T CODE § 27.031(a)(2); TEX. R. CIV. P. 510.10(c). A forcible-detainer suit is a “summary, speedy, and inexpensive remedy for the determination of who is entitled to the possession of premises.” *Scott v. Hewitt*, 90 S.W.2d 816, 818 (Tex. 1936); *see also Marshall v. Hous. Auth. of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006). The only issue a court may determine in a forcible-detainer suit is the right to immediate possession of a property. TEX. R. CIV. P. 510.3(e). A justice court does not have jurisdiction to determine title to the property, and a county court does not have jurisdiction over an appeal unless the justice court had jurisdiction. *Id.*; TEX. GOV'T CODE § 27.031(b); *Rice v. Pinney*, 51 S.W.3d 705, 708 (Tex. App.—Dallas 2001, no pet.).

The existence of a title dispute does not deprive the justice court of jurisdiction, but when there is a “genuine issue of title so intertwined with the issue of possession” that the justice court cannot decide the issue of possession without first deciding the title issue, then the justice court lacks jurisdiction over the suit. *Yarbrough*, 455 S.W.3d at 280. However, if there is an independent basis to resolve the possession issue, such as a landlord–tenant relationship, then the justice court may resolve the possession issue without deciding the title issue and retains jurisdiction. *See Chinyere v. Wells Fargo Bank, N.A.*, 440 S.W.3d 80, 83–84 (Tex. App.—Houston [1st Dist.] 2012, no pet.). Thus, a landlord–tenant relationship is not necessary to establish jurisdiction, but the lack of a landlord–tenant relationship may indicate a title issue. *Yarbrough*, 455 S.W.3d at 280.

To raise a title issue and thus the issue of the justice court’s jurisdiction, a defendant must provide “specific evidence” of a title dispute. *Falcon v. Ensignia*, 976 S.W.2d 336, 338 (Tex. App.—Corpus Christi–Edinburg 1998, no pet.). “Specific evidence” simply consists of the “various assertions that comprise a party’s title claim.” *Yarto v. Gilliland*, 287 S.W.3d 83, 93 (Tex. App.—Corpus Christi–Edinburg 2009, no pet.). “[S]pecific evidence’ of a title dispute exists when through those assertions, the party has asserted a basis for title ownership that is not patently ineffective under the law and is intertwined with the issue of immediate possession.” *Id.* An affirmative defense raised in a defendant’s pleadings may

indicate a title dispute that the justice or county court cannot resolve apart from determining title. *See Yarbrough*, 455 S.W.3d at 279; *see also Gibson v. Dynegy Midstream Servs., L.P.*, 138 S.W.3d 518, 523–24 (Tex. App.—Fort Worth 2004, no pet.) (defendant pleaded adverse possession of property and thus issue of title was so “integrally linked” that justice court could not have decided possession without first deciding title). Once specific evidence of a title dispute is presented, an issue regarding the justice court’s jurisdiction is raised. *See Mitchell v. Armstrong Cap. Corp.*, 911 S.W.2d 169, 171 (Tex. App.—Houston [1st Dist.] 1995, writ denied) (“If it becomes apparent that a genuine issue regarding title exists in a forcible detainer suit, the court does not have jurisdiction over the matter.”).

Analysis

In this case, both parties claim ownership of the property and dispute whether there was a landlord–tenant relationship between them. In its original eviction petition, Home Invest Pro identified itself as the landlord and Flowers as the tenant, and it cited the reason for eviction as holding over after termination of the right of possession. At trial and on appeal, Home Invest Pro contends Flowers is a tenant at sufferance, meaning a tenant who wrongfully remains in possession of a premises after the lease has ended. *See Bockelmann v. Marynick*, 788 S.W.2d 569, 571 (Tex. 1990). Flowers, however, claimed in his answer that the parties had no landlord–tenant relationship, and he raised this issue as an affirmative defense. Instead, he

claimed he and his brother inherited the property from their mother, who owned the property before she died. He denied signing a deed conveying the property to Staci Valles, arguing his signature on the deed must have been forged. He further asserted that his brother's children inherited his brother's interest in the property when he died, and their interest had not been conveyed; thus, Home Invest Pro could not have free and clear title to the property. Flowers alleged claims that, "if supported by evidence and law," would provide him with an ownership interest in the property. *See Yarto*, 287 S.W.3d at 90; *cf. Falcon*, 976 S.W.2d at 338 (claim to title based on unenforceable oral agreement did not raise genuine title dispute because title claim failed as a matter of law). Thus, the parties' competing claims to ownership and the nature of their relationship must be resolved before the right to possession can be determined. *See Yarto*, 287 S.W.3d at 90 (justice court could not rely on warranty deed alone to determine possession issue because parties' competing claims over nature of their relationship and whether they had landlord-tenant relationship required resolution of title dispute first); *see also Yarbrough*, 455 S.W.3d at 283 (title dispute based on forgery of deed must be decided before possession issue and thus lower courts lacked jurisdiction); *Chinyere*, 440 S.W.3d at 85 (where deed of trust did not create landlord-tenant relationship, there was no basis to resolve possession issue without first resolving title issue and thus lower courts lacked jurisdiction) *cf. Salaymeh v. Plaza Centro, LLC*, 264 S.W.3d 431, 436 (Tex. App.—

Houston [14th Dist.] 2008, no pet.) (undisputed landlord–tenant relationship provided independent basis to resolve possession issue without deciding title issue).

Both Home Invest Pro and Flowers claim title to the property. Resolving the issue of possession requires resolving the title dispute between the parties to determine who has the superior title—which is what the county court implicitly did. At trial, Flowers testified that he had lived at the property since 1982 and that he never signed a deed conveying his interest to Staci Valles. He said he did not know how his signature appeared on the deed because he did not sign it. Valles, however, testified that the signature was genuine because she saw Flowers sign the deed, and it was notarized. Alexandria Flowers, the daughter of Flowers’s brother, also testified and claimed she was still an owner of the property and Flowers lived there with her permission. The trial court determined that Flowers transferred his interest to Valles through the deed discussed at trial, in part because it found her testimony “more credible” than Flowers’s testimony. In fact, the county court weighed the competing claims to title and resolved the dispute in favor of Home Invest Pro, which it had no jurisdiction to do. *See* TEX. GOV’T CODE § 27.031(b); TEX. R. CIV. P. 510.3(e); *Rice*, 51 S.W.3d at 708.

Flowers’s first point of error is sustained. The justice court and county court lacked jurisdiction over the forcible-detainer suit. *See* TEX. GOV’T CODE § 27.031(b); TEX. R. CIV. P. 510.3(e); *Rice*, 51 S.W.3d at 708. Because we find that

the trial court lacked jurisdiction, we do not need to address Flowers's second issue.

TEX. R. APP. P. 47.1.

CONCLUSION

We vacate the lower courts' judgments and dismiss the case. TEX. R. APP. P. 43.2(e); *see Chinyere*, 440 S.W.3d at 85 (vacating lower courts' judgments and dismissing case after concluding lower courts lacked subject-matter jurisdiction in forcible-detainer suit).

Gordon Goodman
Justice

Panel consists of Justices Goodman, Countiss, and Farris.