

**Affirmed and Memorandum Opinion filed August 19, 2010.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-09-00811-CV**

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**LEANNE NICOLE WELLS, Appellant**

**V.**

**DOUGLAS GIBSON WELLS, Appellee**

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**On Appeal from the 328th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 09-DCV-169191**

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**MEMORANDUM OPINION**

In her sole issue on appeal, appellant Leanne Nicole Wells asserts that the trial court erred in ruling that her appeal of an associate judge's entry of the final divorce decree to the referring court was untimely. However, the record reflects that appellant waived her right of appeal to the referring court in writing at the June 18, 2009 hearing before the associate judge. *See* Tex. Fam. Code Ann. § 201.015(g) (Vernon Supp. 2009) ("Before the start of a hearing by an associate judge, the parties may waive the right of a de novo hearing before the referring court in writing or on the record."). Specifically, appellant signed an agreed order before the associate judge that states, "I hereby waive any right of appeal to the referring court pursuant to Section 201.015(g) Texas Family

Code.” Moreover, this agreed order reflects that the nature of the proceeding was a “Final Decree of Divorce.” The associate judge signed the order, noting that the divorce decree would be entered on July 15, 2009. An associate judge “may sign a final order that includes a waiver of the right of appeal pursuant to Section 201.015.” *Id.* § 201.007(a)16) (Vernon 2008).

Under these circumstances, we conclude that appellant waived her right to appeal the associate judge’s order to the referring court. We therefore overrule her sole appellate issue and affirm the trial court’s judgment.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.