

Affirmed and Memorandum Opinion filed January 6, 2011.



In The

Fourteenth Court of Appeals

NO. 14-10-00752-CV

MACK ADEDIPE, Appellant

V.

GUARDIAN TRANSFER & STORAGE, INC., Appellee

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 958624**

M E M O R A N D U M O P I N I O N

Appellant appeals the trial court's dismissal of his appeal from justice court for want of jurisdiction. In three issues, appellant contends the appellee failed to comply with the Texas Property Code arising out of an eviction procedure initiated by appellee. We affirm.

Background

Appellant stored personal property in appellee's storage facility. Because appellant failed to pay storage fees, appellee notified appellant that it had acquired a

warehouseman's lien pursuant to section 24.0062 of the Texas Property Code. Appellee gave appellant notice of its lien and intent to sell his personal property. Prior to appellant's suit, appellee sold the property at public auction. Appellant filed suit in justice court seeking \$10,000 in damages alleging that appellee violated section 24.0062(e) of the Property Code. After unsuccessful mediation, the justice court rendered a take-nothing judgment in favor of appellee.

Appellant attempted to appeal the justice court's judgment to the County Civil Court at Law. In his appeal bond, appellant listed the amount of damages as \$10,000. However, appellant also listed an additional \$15,000 with the notation, "Amount not added to damages because of JP court suing amount limit." On July 6, 2010, the county court dismissed appellant's appeal for want of jurisdiction because the appellant sought damages in excess of the jurisdictional limits of the justice court.

Appellant's Issues on Appeal

On appeal to this court, appellant attempts to challenge the justice court's judgment by asserting the following issues:

- Failure of the appellee to provide the status/condition of the property to appellant for inspection as stipulated by the Texas Property code.
- Failure of the appellee to allow fair and reasonable payment amount to the moving and storage of the redeemed property as stipulated by the Texas Property code
- Failure of appellee for not informing the appellant before the sale of the property as stipulated by the Texas Property code.

Subject Matter Jurisdiction of County Court at Law

This court has limited jurisdiction over appeals from county courts in eviction matters. *See generally* Tex. Prop. Code Ann. § 24.007. This court may, however, review a county court at law's subject matter jurisdiction. *See Rice v. Pinney*, 51 S.W.3d 705, 708 (Tex. App.—Dallas 2001, no pet.).

The justice court had jurisdiction of the original suit, because the claim did not

exceed \$10,000. Tex.Gov't Code Ann. § 27.031. Appeal was properly perfected to the county court at law for trial de novo. While new matters may be pleaded in the county court at law, no new grounds of recovery may be added. Tex. R. Civ. P. 574a. On appellate review, jurisdiction of the county court at law is dependent on the jurisdiction of the justice court. *Stanley v. Hicks*, 272 S.W.2d 917, 919 (Tex. Civ. App.—Waco 1954, no writ).

The appellate jurisdiction of a statutory county court is confined to the jurisdictional limits of the justice court, and the county court has no jurisdiction over an appeal unless the justice court had jurisdiction. *Rice*, 51 S.W.3d at 708; *Goggins v. Leo*, 849 S.W.2d 373, 375 (Tex. App.—Houston [14th Dist.] 1993, no writ). When appellant amended his suit and alleged damages in excess of the jurisdictional limit prescribed for the justice court, he removed the case from the jurisdiction of the county court at law. *Stanley* 272 S.W.2d at 919–20. The county court at law lacked subject matter jurisdiction because the justice court did not have jurisdiction over the allegations in appellant's amended petition in which he claimed \$25,000 in damages. The trial court's judgment of dismissal is affirmed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Seymore and Jamison.