

Dismissed and Memorandum Opinion filed March 31, 2016.



In The

Fourteenth Court of Appeals

NO. 14-15-00377-CV

**ELMER H. LOPEZ, INDIVIDUALLY AND D/B/A E.H.L.
CONSTRUCTION AND PAINTING, Appellant**

V.

ROC TX LAKESIDE, LLC, Appellee

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Cause No. 1056480**

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

Appellant Elmer H. Lopez, individually and d/b/a E.H.L. Construction and Painting (Lopez) is attempting to appeal two trial court orders removing invalid liens. In response, appellee ROC TX Lakeside LLC asserts, *inter alia*, that this court lacks jurisdiction over this appeal because the orders at issue are interlocutory. We agree and dismiss this appeal for want of jurisdiction.

Appellate courts generally have jurisdiction over final judgments,¹ and such interlocutory orders as the Legislature deems appealable by statute. *See* Tex. Civ. Prac. & Rem. Code §§ 51.012, 51.014. Lopez is attempting to appeal from two trial court orders removing invalid and unenforceable liens pursuant to section 53.160 of the Texas Property Code. *See* Tex. Prop. Code § 53.160. This statute provides a summary procedure permitting a trial court to remove a “claim or lien” if the motion demonstrates one of the grounds for invalidity listed in the provision. *See id.* Section 53.160(e) expressly prohibits an interlocutory appeal from the trial court’s orders under this statute. *See id.* § 53.160(e) (“A party to the proceeding may not file an interlocutory appeal from the court’s order”); *see also Serrano v. Pellicano Bus. Park, L.L.C.*, No. 08-13-00201-CV, 2013 WL 5873328, at *1 (Tex. App.—El Paso Oct. 30, 2013, pet. denied) (mem. op.) (dismissing appeal from order under section 53.160 for want of jurisdiction).

Accordingly, we dismiss this appeal for lack of jurisdiction.

/s/ Sharon McCally
Justice

Panel consists of Justices Christopher, McCally, and Brett Busby.

¹ There is nothing in either of these orders indicating that they are intended to be final, appealable orders. Indeed, both contain the requisite security amounts Lopez could have provided to stay the removal of the liens. *See* Tex. Prop. Code § 53.161 (requiring trial courts to set security amount for lien claimants to provide to stay removal of liens in orders issued under section 53.160). Finally, we note that ROC TX Lakeside had pending claims for declaratory relief and attorney’s fees in the trial court when these orders were signed. Thus, we disagree with Lopez’s assertion that the orders dispose of all claims and are final for appellate purposes.