

**Appeal Dismissed and Memorandum Majority and Dissenting Opinions
filed August 17, 2021.**



**In The
Fourteenth Court of Appeals**

NO. 14-21-00338-CV

PHARUS FUNDING LLC AS ASSIGNEE OF LHR, INC., Appellant

V.

DEBRA D. BAKER, Appellee

**On Appeal from the County Civil Court at Law No. 3
Harris County, Texas
Trial Court Cause No. 858642**

MEMORANDUM MAJORITY OPINION

This is an appeal from an order signed May 20, 2021 denying a motion to reconsider an application for writ of scire facias to revive a dormant judgment. *See* Tex. R. Civ. P. 151. On July 19, 2021, appellant filed a motion to dismiss the appeal without prejudice. *See* Tex. R. App. P. 42.1(a)(1).

We do not reach appellant's motion to dismiss the appeal. Based on our independent review, it appears this court lacks jurisdiction over the appeal. The trial court's order denying appellant's application for writ of scire facias was signed February 11, 2021. Appellant filed a motion to reconsider the February 11, 2021

order on March 15, 2021. The motion to reconsider thus qualifies as a timely motion for new trial. *See* Tex. R. Civ. P. 4, 329b(a). Accordingly, any notice of appeal from the February 11, 2021 order was due within ninety days of that order, or by May 12, 2021. *See* Tex. R. App. P. 26.1(a)(1). Appellant did not file a notice of appeal until June 18, 2021. Therefore, we dismiss the appeal for want of jurisdiction.

/s/ Ken Wise
Justice

Panel consists of Justices Wise, Jewell, and Spain (J. Spain dissenting).