

Affirmed and Memorandum Opinion filed November 21, 2023.



In The

Fourteenth Court of Appeals

NO. 14-22-00396-CV

DARRELL TRACY JOHNSON, Appellant

V.

**DAVID GUILLORY, KITTY GUILLORY, AND DOUBLE RCG, LLC,
Appellees**

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Cause No. 1181386**

MEMORANDUM OPINION

Darrell Tracy Johnson leased property with an option to purchase from David Guillory, Kitty Guillory, and Double RCG, LLC (collectively “Guillory”). After sale of the property fell through, Johnson sued Guillory in a district court alleging breach of contract, and Guillory brought the present forcible detainer action in justice court seeking to evict Johnson from the premises. After the justice court ruled in Guillory’s favor, awarding possession and past due rent, Johnson

filed a de novo appeal to the county civil court at law (“county court”). The county court ordered Johnson evicted for failing to pay rent during the pendency of the appeal. The county court subsequently entered a final judgment ordering Johnson to pay additional past due rent and Guillory’s attorney’s fees. Johnson now brings this appeal from the county court asserting, principally, that the justice court, and by extension the county court, did not have jurisdiction in this case because of the pending action in district court. Because we conclude that the justice court and county court did have jurisdiction over this case and Johnson’s other arguments do not have merit, we affirm the county court’s judgment.

Discussion

As stated, Johnson contends that the justice court, and by extension the county court, did not have jurisdiction over this case because there was pending litigation regarding the property in a district court.¹ In the district court action, Johnson alleged Guillory breached a contract for sale of the property and requested, among other things, that the court order Guillory to go through with the sale as specific performance “expectancy damages.” In the present action, originating in justice court and proceeding to a trial de novo appeal in county court,

¹ Johnson, who appeared pro se in the trial courts and appears pro se in this appeal, states his issues as:

Did the trial court make an error by issuing an eviction without Jurisdiction to do so?

Did the trial court err in not dismissing the eviction case and awarding [sic] the eviction case void because there was never a jurisdictional landlord-tenant relation?

Did the trial court error [sic] in the procedure of law?

As always, we liberally construe briefs and other filings that are submitted by pro se parties, and we hold pro se litigants to the same standards as licensed attorneys and require them to comply with all applicable laws and rules of procedure. *See Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184–85 (Tex. 1978); *Rogers v. City of Houston*, 627 S.W.3d 777, 786 n.1 (Tex. App.—Houston [14th Dist.] 2021, no pet.). As mentioned, Johnson principally argues in his brief that the trial courts were without jurisdiction. We will address this argument as well as any others he raises in his brief.

Guillory sought and received an order of eviction as well as an award of unpaid rent and attorney's fees. *See generally* Tex. Prop. Code §§ 24.0054 (Tenant's Failure to Pay Rent During Appeal), 24.006 (Attorney's Fees and Costs of Suit); Tex. R. Civ. P. 510.9 (authorizing trial de novo appeal), 510.11 (authorizing certain damages on appeal in an eviction case).

In an appeal from a justice court, a county court generally has no greater jurisdiction than did the justice court. *See Tellez v. Rodriguez*, 612 S.W.3d 707, 710 (Tex. App.—Houston [14th Dist.] 2020, no pet.). A justice court has original jurisdiction in cases of forcible detainer. Tex. Gov't Code § 27.031(a)(2); *see also* Tex. Prop. Code § 24.004. Such cases are intended to be “speedy, simple, and inexpensive,” because their sole focus is on who has the right to immediate possession of the property. *Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006). A justice court may not adjudicate questions of title in a forcible detainer action. Tex. R. Civ. P. 510.3(e). Indeed, a justice court is statutorily deprived of jurisdiction in suits for the trial of title to land. *See* Tex. Gov't Code § 27.031(b)(4).

The mere existence of a title dispute, however, does not deprive a justice court of jurisdiction in a forcible detainer action; such actions can still be adjudicated even while a claim for title is pursued concurrently in district court. *See, e.g., Kafī, Inc. v. Hernandez*, No. 14-22-00730-CV, 2023 WL 5286963, at *2 (Tex. App.—Houston [14th Dist.] Aug. 17, 2023, no pet. h.) (mem. op.); *In re Mandola*, No. 03-11-00816-CV, 2012 WL 43365, at *1 (Tex. App.—Houston [14th Dist.] Jan. 4, 2012, orig. proceeding); *Wilhelm v. Fed. Nat'l Mortg. Ass'n*, 349 S.W.3d 766, 769 (Tex. App.—Houston [14th Dist.] 2011, no pet.). But when the question of title is intertwined with the question of possession, such that possession cannot be adjudicated without first determining title, then the justice

court lacks jurisdiction. *See, e.g., Kafi, Inc.*, 2023 WL 5286963, at *2; *Salaymeh v. Plaza Centro, LLC*, 264 S.W.3d 431, 435 (Tex. App.—Houston [14th Dist.] 2008, no pet.). In appropriate cases, a justice court may decide the right to immediate possession even though a district court may later overturn that decision in a suit to try title; the justice court is not deprived of jurisdiction simply because parties dispute title but only if determination of the right to immediate possession requires resolution of the title dispute. *See In re Mandola*, 2012 WL 43365, at *1 (citing *Rice v. Pinney*, 51 S.W.3d 705, 709 (Tex. App.—Dallas 2001, no pet.)).

In the present case, as mentioned above, Johnson contends that the justice court and the county court lacked jurisdiction because title is at issue in the district court case. In the district court action, Johnson is suing Guillory for breach of a sales agreement. Johnson does not contend in either the present action or the district court suit that he currently owns title to the property; instead, he requests the district court order Guillory to complete the sale of the property to him as “expectancy damages.” The question of who currently owns title is not at issue in the present lawsuit and the eviction issues in this lawsuit are not intertwined with any dispute as to title. *See Kafi, Inc.*, 2023 WL 5286963, at *2; *In re Mandola*, 2012 WL 43365, at *1. We therefore overrule Johnson’s issues to the extent that they assert the justice court and the county court lacked jurisdiction because of a pending case in district court.

Johnson also asserts under his issues that the justice and county courts lacked jurisdiction because the amount in controversy between the parties exceeded the courts’ jurisdictional authority. In making this argument, Johnson appears to rely on amounts at issue in the breach of contract action filed in district court and not just the amounts at issue in this forcible detainer action; however, as discussed above, the claims in the district court action are very different from those

raised in the action currently before us.

Justice courts and county courts are authorized to award unpaid rent in forcible detainer actions, as Guillory sought and was awarded in the present action. *See* Tex. Prop. Code §§ 24.051 (Procedures Applicable in Suit to Evict and Recover Unpaid Rent); 24.0054 (Tenant’s Failure to Pay Rent During Appeal); *see also* Tex. R. Civ. P. 510.3(d) (“A claim for rent within the justice court’s jurisdiction may be asserted in an eviction case.”), 510.11 (Damages on Appeal). The amounts actually sought and awarded in this case did not exceed the jurisdictional authority of those courts. *See* Tex. Gov’t Code § 27.031(a)(1) (setting jurisdictional limit for justice courts at \$20,000); *Hong Kong Dev., Inc. v. Nguyen*, 229 S.W.3d 415, 434 (Tex. App.—Houston [1st Dist.] 2007, no pet.) (explaining that on appeal from justice court in eviction case, county court could award lost rents suffered during the pendency of the appeal without regard to the court’s original amount-in-controversy limit; citing, *inter alia*, Tex. R. Civ. P. 752 (repealed, *see now* Tex. R. Civ. P. 510.11)).² Accordingly, we overrule Johnson’s issues to the extent he challenged jurisdiction based on the amount in controversy.

Lastly, Johnson suggests that the trial courts erred in admitting Guillory’s evidence in this case. The basis for this complaint appears to be the trial courts’ alleged lack of jurisdiction. As discussed above, the trial courts indeed had jurisdiction to consider Guillory’s claims. Accordingly, we overrule Johnson’s issues.

² The justice court awarded Guillory \$18,000 in past due rent, and the county court awarded Guillory \$48,000 in unpaid rent.

We affirm the county court's judgment.

/s/ Frances Bourliot
Justice

Panel consists of Justices Wise, Bourliot, and Spain.