



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00437-CV

ESTATE OF DELFINA E. ALEXANDER, Deceased

From the County Court at Law No. 2, Webb County, Texas
Trial Court No. 2008-PB7-000016-L2
Honorable Jesus Garza, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: September 3, 2014

DISMISSED FOR LACK OF JURISDICTION

Appellants, Judith Zaffirini; David H. Arredondo; and Clarissa N. Chapa; As Independent Co-Executors of the Estate of Delfina E. Alexander, Deceased, filed a Joint Notice of Appeal from an order in Trial Cause Number 2008PB7000016L2 awarding interim ad litem fees (the “Garcia, Tamez, and Tellez Ad Litem Order”). In an effort to determine whether this order is a final appealable order rendered in a probate proceeding, this court ordered appellants to explain in writing why this appeal should not be dismissed for lack of jurisdiction. We also gave appellee an opportunity to respond.

After considering the nature of the order at issue in this appeal, we conclude the Garcia, Tamez, and Tellez Ad Litem Order at issue is not a final and appealable order from which an

appeal may be taken during the pendency of the underlying probate proceeding. Therefore, we dismiss the appeal for want of jurisdiction.¹

PER CURIAM

¹ We decline appellants' request to consider this appeal, in the alternative, as an appeal from a mandatory temporary injunction or as a petition for writ of mandamus. Our dismissal of this appeal should not be interpreted as a comment on the issue of whether the trial court erred in rendering the Garcia, Tamez, and Tellez Ad Litem Order, as that issue remains for future review upon entry of a final, appealable order or judgment.