

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00238-CV

25807 TWH LTD and 25807 TWH GP, LLC, Appellants

V.

TWH LIMITED PARTNERSHIP, Appellee

On Appeal from the County Court at Law No. 2
Montgomery County, Texas
Trial Cause No. 16-29339

MEMORANDUM OPINION

TWH Limited Partnership, Appellee, filed a motion to dismiss for lack of jurisdiction the appeal of 25807 TWH LTD and 25807 TWH GP, LLC, Appellants. Appellee contends the appeal is from a judgment in an eviction suit involving premises that are not used only for residential purposes, and the judgment is only for possession. The appellants did not file a response to the appellee's motion to dismiss the appeal.

The trial court signed the judgment on June 10, 2016. The judgment is only for possession. At the time the trial court rendered judgment in this case, Section 24.007 of the Texas Property Code provided, “A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only.” Tex. Prop. Code Ann. § 24.007 (West Supp. 2016). It is undisputed that Appellants used the premises at issue for commercial purposes and not for residential purposes. Therefore, we are without jurisdiction to review the county court’s determination “on the issue of possession of the commercial premises or any finding that is essential to the issue of possession.” *Serrano v. Francis Props. I, Ltd.*, 411 S.W.3d 661, 665 (Tex. App.—El Paso 2013, pet. denied). The appellants failed to identify an issue that we may consider in this appeal. Accordingly, we grant Appellee’s motion to dismiss, and we dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

CHARLES KREGER
Justice

Submitted on February 15, 2017
Opinion Delivered February 16, 2017

Before Kreger, Horton, and Johnson, JJ.