

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00468-CV

JAMES K. COLLINS AND TONI SHARRETTS COLLINS, Appellants

V.

D.R. HORTON-TEXAS LTD, Appellee

On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 15-04-04236-CV

MEMORANDUM OPINION

James K. Collins and Toni Sharretts Collins filed a notice of appeal from an order granting a motion for partial summary judgment. The appellee, D.R. Horton-Texas LTD, filed a motion to dismiss because the order being appealed did not dispose of all pending parties and claims. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). The Collinses argue the trial court’s order granted more relief than requested but functioned as a final order. *See id.* at 206. The order in question states that the Collinses “take nothing on their claims related in any

manner to the Frederick Sieberman Survey A-497, Montgomery County, Texas.”
The order neither disposes of the appellee’s claims for affirmative relief nor states with unmistakable clarity that it is a final judgment. *See id.* at 192-93. We conclude the trial court has not signed an appealable interlocutory order or a final judgment. Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on January 25, 2017
Opinion Delivered January 26, 2017

Before Kreger, Horton, and Johnson, JJ.