



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-16-00453-CV**

AL FOX III

APPELLANT

V.

MARK BUCKLAND AND VIRGINIA  
BUCKLAND

APPELLEES

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FROM THE 141ST DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 141-277896-15  
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**MEMORANDUM OPINION<sup>1</sup> ON REHEARING**  
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On January 19, 2017, we issued a memorandum opinion denying Al Fox III's petition for permissive appeal because the order being appealed did not give permission to seek an interlocutory appeal. Fox has filed a motion for rehearing that includes an amended summary judgment order—entered after our January 19, 2017 opinion—in which the trial court includes permission to seek an

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<sup>1</sup>See Tex. R. App. P. 47.4.

interlocutory appeal. Because the order being appealed now gives permission to seek an interlocutory appeal, we grant Fox's motion for rehearing, withdraw our prior opinion dated January 19, 2017, and substitute the following in its place.

We have considered Fox's petition for permissive appeal. Given the requirement that we strictly construe section 51.014's permissive appeal requisites, we decline to entertain this appeal, and we hereby deny it. See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(d)–(f) (West Supp. 2016); *Rogers v. Orr*, 408 S.W.3d 640, 642 (Tex. App.—Fort Worth 2013, pet. denied) (“We strictly construe a statute authorizing an interlocutory appeal because it is an exception to the general rule that only final judgments are appealable.”).

PER CURIAM

PANEL: WALKER, J.; LIVINGSTON, C.J.; and SUDDERTH, J.

DELIVERED: March 16, 2017