



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00095-CV

RICHARD SMITH, Appellant

V.

DENTON SETTLERS VILLAGE TOWNHOMES ASSOCIATION, INC., Appellee

On Appeal from the 393rd District Court
Denton County, Texas
Trial Court No. 18-9407-393

Before Sudderth, C.J.; Bassel and Womack, JJ.
Memorandum Opinion by Justice Bassel

MEMORANDUM OPINION

Appellant Richard Smith attempts to appeal from an “Order for Foreclosure” signed on March 8, 2019. On March 20, 2019, we sent a letter to Smith expressing our concern that we may not have jurisdiction over this appeal because the foreclosure order does not appear to be an appealable order. *See* Tex. R. Civ. P. 736.8(c) (“An order granting or denying the [foreclosure] application is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to a Rule 736 order must be made in a suit filed in a separate, independent, original proceeding in a court of competent jurisdiction.”); *Elliot v. Deutsche Bank Nat’l Tr. Co.*, No. 02-16-00421-CV, 2017 WL 526315, at *1 (Tex. App.—Fort Worth Feb. 9, 2017, no pet.) (mem. op.). We stated that unless Smith or any party desiring to continue the appeal filed a response showing grounds for continuing the appeal by April 1, 2019, the appeal could be dismissed for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 44.3. We did not receive any response. Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f).

/s/ Dabney Bassel

Dabney Bassel
Justice

Delivered: May 30, 2019