



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

No. 02-19-00101-CV

IREKA C. HAMILTON, Appellant

v.

MADISON REVOLVING TRUST 2017, Appellee

On Appeal from the 352nd District Court
Tarrant County, Texas
Trial Court No. 352-304032-18

Before Pittman, Birdwell, and Bassel, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Ireka C. Hamilton attempts to appeal from a February 22, 2019 order granting the home equity foreclosure application of Appellee Madison Revolving Trust 2017. *See* Tex. R. Civ. P. 736.1. On March 29, 2019, we notified Appellant of our concern that we lack jurisdiction over this appeal because the order being appealed does not appear to be a final judgment or an appealable interlocutory order. We warned that this appeal was subject to dismissal unless Appellant or any other party filed a response, on or before Monday, April 8, 2019, showing grounds for continuing the appeal. *See* Tex. R. App. P. 44.3. We have received no response.

Rule of civil procedure 736 provides the procedure for obtaining a court order, when required, to allow foreclosure of a lien containing a power of sale, including a lien securing a home equity loan. Tex. R. Civ. P. 735.1. When, as here, a trial court issues an order under rule of civil procedure 736 that grants an application for an expedited order allowing the foreclosure of a lien, that order is not appealable. *See* Tex. R. Civ. P. 736.1(a), 736.7(b), 736.8(c). Rather, any challenge to the order “must be made in a suit filed in a separate, independent, original proceeding in a court of competent jurisdiction.” Tex. R. Civ. P. 736.8(c); *see* Tex. R. Civ. P. 736.11(a); Tex. R. App. P. 52. Because Appellant attempts to appeal from an unappealable order, we dismiss the appeal for want of jurisdiction. *See* Tex. R. Civ. P. 736.8(c); *see also* Tex. R. App. P. 42.3(a), 43.2(f); *Tebuti v. Bank of N.Y. Mellon Tr. Co.*, No. 02-16-00097-CV, 2016 WL 2989487, at *1 (Tex. App.—Fort Worth May 19, 2016, no pet.) (mem. op.);

Nicholson v. CitiMortgage, Inc., No. 02-15-00105-CV, 2015 WL 4380877, at *1 (Tex. App.—Fort Worth July 16, 2015, no pet.) (mem. op.).

Per Curiam

Delivered: May 16, 2019