



**IN THE
TENTH COURT OF APPEALS**

No. 10-11-00259-CV

DAMON LEE WOOD,

Appellant

v.

FREESTONE COUNTY,

Appellee

**From the 77th District Court
Freestone County, Texas
Trial Court No. 06-389-A**

MEMORANDUM OPINION

Appellees Freestone County, Fairfield Independent School District, and Fairfield Hospital District sued Appellant Damon Wood and numerous other interested persons for delinquent property taxes that were assessed on real property in Freestone County. Wood and the others were sued in rem only, and the Appellees sought and obtained a judgment for foreclosure of the tax lien. Wood is the only defendant to appeal.

Appellees have moved to dismiss Wood's appeal, asserting that the controversy is moot and that we lack jurisdiction because, after this appeal was taken, the property

was sold, the tax lien has been satisfied, and Wood no longer owns the subject property. Wood has not filed a response to the motion to dismiss.

Appellees' motion is supported by evidence, namely a general warranty deed dated August 4, 2011, reflecting a sale of the subject property by John C. Osborne, in trust for Damon Lee Wood, and a release of the judgment, it having been fully satisfied. We agree that, because Wood has sold the property, the controversy between the parties has ended and this appeal is moot. *Cf. FDIC v. Nueces County*, 886 S.W.2d 766, 767 (Tex. 1994); *Katy Personal Storage, Inc. v. First State Bank*, 968 S.W.2d 579, 581 (Tex. App.—Houston [14th Dist.] 1998, pet. withdrawn). Accordingly, we grant Appellees' motion and dismiss this appeal as moot.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion granted; appeal dismissed
Opinion delivered and filed September 21, 2011
[CV06]