

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-20-00083-CV**

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**Petra Ugarte, Appellant**

**v.**

**Eureka Holdings Acquisitions, LP, and 2019 FOREAL, LP, Appellees**

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**FROM COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY  
NO. C-1-CV-19-008503, THE HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Petra Ugarte appeals the county court at law’s final judgment rendered in appellees’ suit for forcible detainer awarding appellees possession of the premises at issue. However, the legislature has limited this Court’s jurisdiction in appeals from such proceedings by enacting Section 24.007 of the Property Code: “A final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises in question are being used for residential purposes only.” Tex. Prop. Code § 24.007; *Volume Millwork, Inc. v. West Hous. Airport Corp.*, 218 S.W.3d 722, 726–27 (Tex. App.—Houston [1st Dist.] 2006, pet. denied); *Carlson’s Hill Country Beverage, L.C. v. Westinghouse Rd. Joint Venture*, 957 S.W.2d 951, 952–53 (Tex. App.—Austin 1997, no pet.). The county court at law did not make a finding that the premises are being used for residential purposes only, nor does the record evidence support such a finding; rather, the evidence demonstrates that the premises are being used, at least in part, for commercial purposes. Furthermore, this Court has provided Ugarte with notice

that her suit may be dismissed for want of jurisdiction unless she can demonstrate that this Court has jurisdiction over her appeal under Section 24.007, but Ugarte has not so demonstrated.

We, accordingly, dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3. We additionally lift our temporary stay of the trial court's issuance of writ of possession.

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Thomas J. Baker, Justice

Before Chief Justice Byrne, Justices Baker and Kelly

Dismissed for Want of Jurisdiction

Filed: May 21, 2021