



NUMBER 13-17-00285-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE ESTATE OF STEWART D. HERVEY JR., DECEASED

**On appeal from the 25th District Court
of Gonzales County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Contreras, and Benavides
Memorandum Opinion by Justice Rodriguez**

Appellant, Karen Kilpatrick, attempted to perfect an appeal from the trial court's order imposing sanctions which took place at a hearing conducted on March 9, 2017, in cause no. 26048. According to the notice of appeal, a motion to sever had been filed, but the trial court had not signed a written order of severance to make the order final.

Upon review of the documents before the Court, it appeared that there was no final appealable judgment. On June 7, 2017, the Clerk of this Court notified appellant of this defect so that steps could be taken to correct the defect, if it could be done. See Tex. R.

APP. P. 37.1, 42.3. Appellant was advised that, if the defect was not corrected within ten days from the date of receipt of the notice, the appeal would be dismissed for want of jurisdiction. Appellant has not responded to the Court's notice.

In terms of appellate jurisdiction, appellate courts only have jurisdiction to review final judgments and certain interlocutory orders identified by statute. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Because there is no final judgment or order subject to appeal, the notice of appeal is premature. See TEX. R. APP. P. 26.1, 27.1(a)

The Court, having considered the documents on file and appellant's failure to correct the defect in this matter, is of the opinion that the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a).

NELDA V. RODRIGUEZ
Justice

Delivered and filed the
3rd day of August, 2017.