



NUMBER 13-18-00655-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**ROY GARCIA A/K/A ROEL GARCIA,
NANCY GARCIA, ROY'S CONCRETE
& GENERAL CONTRACTOR, LLC
A/K/A FIVE STAR CABLE & STEEL CO.,
AND RGV FIVE STAR CONCRETE, LLC,**

Appellants,

v.

RICARDO RODRIGUEZ,

Appellee.

**On appeal from the County Court at Law No. 6
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Perkes, and Tijerina
Memorandum Opinion by Justice Tijerina**

Appellants Roy Garcia, a/k/a Roel Garcia, Nancy Garcia, Roy's Concrete &
General Contractor, LLC, a/k/a Five Star Cable & Steel Co., and RGV Five Star Concrete,

LLC (RGV) appeal the trial court's turnover order signed on October 28, 2018. By two issues, appellants contend that the trial court's turnover order is erroneous. We dismiss this appeal as moot.

I. BACKGROUND

The trial court rendered judgment in favor of appellee Ricardo Rodriguez. Appellee sought a turnover order from the trial court, which the trial court signed on October 28, 2018. The trial court listed Roy's wife, Nancy, and her business RGV as judgment debtors. Appellants filed a notice of appeal on November 27, 2018, complaining that the turnover order improperly listed Nancy and RGV as judgment debtors and that the trial court relied upon improper evidence to conclude that Nancy and RGV were judgment debtors. The trial court then signed a revised turnover on January 9, 2019, omitting Nancy and RGV as judgment debtors. The revised order lists only Roy and his business as judgment debtors.

II. MOOTNESS

"The general rule is that every court having jurisdiction to render a judgment has the inherent power to enforce its judgments," and "that power is part of the court's jurisdiction" *Arndt v. Farris*, 633 S.W.2d 497, 499 (Tex. 1982). "[A] trial court's post-judgment enforcement powers 'can last until the judgment is satisfied.'" *Alexander Dubose Jefferson & Townsend LLP v. Chevron Phillips Chem. Co., L.P.*, 540 S.W.3d 577, 581 (Tex. 2018) (per curiam). Moreover,

[a]fter an order or judgment in a civil case has been appealed, if the trial court modifies the order or judgment, or if the trial court vacates the order or judgment and replaces it with another appealable order or judgment, the appellate court must treat the appeal as from the subsequent order or judgment and may treat actions relating to the appeal of the first order or judgment as relating to the appeal of the subsequent order or judgment.

The subsequent order or judgment and actions relating to it may be included in the original or supplemental record. Any party may nonetheless appeal from the subsequent order or judgment.

TEX. R. APP. P. 27.3.

An appeal becomes moot where complained-of defects of an appealed order are remedied by the trial court by issuing a subsequent order. *Flamingo Permian Oil & Gas, L.L.C. v. Star Expl., L.L.C.*, 569 S.W.3d 329, 331 (Tex. App.—El Paso 2019, no pet.) (dismissing an appeal as moot when the three complained-of appellate issues were remedied by the trial court’s issuance of a subsequent order executed while the appeal was pending); see also *Smith v. Smith*, 681 S.W.2d 793, 797 (Tex. App.—Houston [14th Dist.] 1984, no writ); *Ahtna Support & Training Serv., LLC v. Asset Prot. & Security Servs., LP*, No. 13-19-00196-CV, 2020 WL 1856470, at *3 (Tex. App.—Corpus Christi–Edinburg Apr. 9, 2020, no pet. h.) (mem. op.).

Here, the record shows that after this appeal ensued, the trial court amended its judgment and granted appellants the relief they sought on appeal, which was to omit Nancy and RGV from the turnover order. Thus, the acts of the trial court that appellants complain of on appeal have been remedied, and we conclude that this appeal is therefore moot. See *Flamingo Permian Oil & Gas, L.L.C.*, 569 S.W.3d at 331; see also *Smith*, 681 S.W.2d at 797; *Ahtna Support & Training Serv., LLC*, 2020 WL 1856470, at *3.

III. CONCLUSION

We dismiss this appeal as moot.

JAIME TIJERINA,
Justice

Delivered and filed the
21st day of May, 2020