

Estate Land Co. v. Wiese

NO. 14-16-00040-CV (Tex. App. Dec. 21, 2017)

See ante at 7-8. See *Lee v. Lee*, 528 S.W.3d 201, 209-10 (Tex. App.—Houston [14th Dist.] 2017, pet. filed). To the extent that one of the post-judgment orders materially changed the relief awarded in the prior final judgment, the trial court lacked jurisdiction to make the change, and this part of the order is void.

Estate Land Co. v. Wiese

546 S.W.3d 322 (Tex. App. 2017) Cited 8 times

See ante at 326–27. See *Lee v. Lee*, 528 S.W.3d 201, 209–10 (Tex. App.—Houston [14th Dist.] 2017, pet. filed). To the extent that one of the post-judgment orders materially changed the relief awarded in the prior final judgment, the trial court lacked jurisdiction to make the change, and this part of the order is void.

In re Amegy Bank

650 S.W.3d 842 (Tex. App. 2022)

Generally, a judgment must dispose of all legal issues between or among all parties to a final judgment. *Lee v. Lee*, 528 S.W.3d 201, 208 (Tex. App.—Houston [14th Dist.] 2017, pet. denied). There are exceptions to the general rule that a final, appealable judgment must dispose of all issues and all parties.

Antolik v. Antolik

625 S.W.3d 530 (Tex. App. 2021) Cited 4 times

[2 more...](#)

The entirety of this appeal is, therefore, not moot as appellees suggest. See *id.*; see also *Lee v. Lee*, 528 S.W.3d 201, 209 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (appeal is not moot when the parties continue to have live controversy for which appellate relief is potentially available). III.

Schauble v. Schauble

No. 11-20-00181-CV (Tex. App. Jul. 21, 2022)

[1 more...](#)

We note that a statutory probate court has jurisdiction over "an action by or against a trustee" and "an action involving an inter vivos trust." See Tex. Est. Code Ann. § 32.006 (West 2020); *Lee v. Lee*, 528 S.W.3d 201, 212-13 (Tex. App.—Houston [14th Dist.] 2017, pet. denied).

Goepp v. Comerica Bank & Trust, N.A.

No. 03-19-00485-CV (Tex. App. Jul. 9, 2021)

Section 32.006 concerns a statutory probate court's independent jurisdiction, not its jurisdiction over causes related to the probate proceeding. See *Lee v. Lee*, 528 S.W.3d 201, 213 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) ("Our conclusion that a statutory probate court has jurisdiction over 'an action involving an inter vivos trust, testamentary trust, or charitable trust' as unambiguously stated in Texas Estates Code section 32.006, is unaffected by the authorities Susan cites concerning proceedings 'appertaining to or incident to an estate.' The authorities on which Susan relies deal with conditions in which a court exercising original probate jurisdiction can exercise jurisdiction over related or ancillary matters; they do not address a statutory probate court's independent jurisdiction over trust actions.").

Sims v. Thomas

584 S.W.3d 880 (Tex. App. 2019) Cited 2 times

Art Inst. of Chicago , 129 S.W.3d at 571 n.9. But the Houston Fourteenth Court of Appeals has held that an order approving a receiver's sale of a specific asset is an appealable final order under *Huston.Lee v. Lee* , 528 S.W.3d 201, 208 (Tex. App.—Houston [14th Dist.] 2017, pet. denied). But see *Rogers v. Rogers* , No. 01-16-00791-CV, 2017 WL 117322, at *1 (Tex. App.—Houston [1st Dist.] Jan. 12, 2017, no pet.) (per curiam) (mem. op.) (holding that order authorizing receiver to sell property was not appealable, but not mentioning Huston).

Gordon v. Nickerson

NO. 03-18-00228-CV (Tex. App. May. 17, 2019) Cited 3 times

[2 more...](#)

But if the Gordons succeed in proving the MSA is void, the conveyance could be reversed. See *Lee v. Lee*, 528 S.W.3d 201, 210 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (holding several transfers of real property pursuant to settlement agreement did not moot party's appeal of agreement because "if [appellant] should prevail, these transactions can be reversed"). The illegality issue is thus not moot.

Izen v. Ryals

NO. 14-17-00431-CV (Tex. App. Apr. 18, 2019) Cited 1 times

[5 more...](#)

The trial court signed its severance order over two-and-a-half months before the court signed its expunction order. See *Lee v. Lee*, 528 S.W.3d 201, 210-11 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (interlocutory order only becomes appealable when merged into subsequent, final, appealable order). In addition, Izen did not state in his notice of appeal that he was appealing from an order signed May 22, 2017.

Mahon v. Spaulding

NO. 14-18-00383-CV (Tex. App. Mar. 21, 2019)

A judgment or order by a court without the power or jurisdiction to render it is void. See *Lee v. Lee*, 528 S.W.3d 201, 208 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (citing *Urbish v. 127th Judicial Dist. Court*, 708 S.W.2d 429, 431 (Tex. 1986) (orig. proceeding)).

Curtis v. Baker

NO. 14-17-00859-CV (Tex. App. Dec. 20, 2018) Cited 4 times

[1 more...](#)

Explaining notice of nonsuit did not make prior summary judgment order final when trial court had not signed order of nonsuit

We first address the finality argument because it potentially affects our jurisdiction to decide Curtis's issues. See *Lee v. Lee*, 528 S.W.3d 201, 208 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) ("Thus, before we can reach the merits of the trial court's challenged rulings, we first must determine whether we have jurisdiction to do so."). I.

Barton Food Mart, Inc. v. Botrie

NO. 03-17-00292-CV (Tex. App. Oct. 25, 2018) Cited 5 times

[4 more...](#)

When the movant sought time to conduct additional discovery, we determine whether an abuse of discretion occurred by considering the same nonexclusive factors relevant to whether adequate time for discovery passed before summary judgment. See *Lee v. Lee*, 528 S.W.3d 201, 221 (Tex. App.—Houston [14th Dist.] 2017, pet. denied); *D.R. Horton-Tex., Ltd. v. Savannah Props. Assocs.*, 416 S.W.3d 217, 223 (Tex. App.—Fort Worth 2013, no pet.). BFM argues that denying the motion deprived it of its only opportunity to obtain evidence from Chastain.

Said v. Sugar Creek Country Club, Inc.

NO. 14-17-00079-CV (Tex. App. Aug. 31, 2018) Cited 6 times

To establish an abuse of discretion, the record must show that the complainant complied with the rules governing a motion for continuance. See *Lee v. Lee*, 528 S.W.3d 201, 221 (Tex. App.—Houston [14th Dist.] 2017, pet. denied). Rule 252 expressly states that a motion for continuance must state, among other things, "that the continuance is not sought for delay only, but that justice may be done. . . ." Tex. R. Civ. P. 252.

In re Estate of Larson

541 S.W.3d 368 (Tex. App. 2017) Cited 2 times

The Lawyers further argue that the Probate Court could properly authorize the payment of their fees because the Estates Code grants the court exclusive jurisdiction over probate proceedings, as well as pendant and ancillary jurisdiction as necessary for judicial efficiency. See Tex. Est. Code §§ 31.001 -.002, 32.001-.002; see also *Lee v. Lee*, 528 S.W.3d 201, 212 (Tex. App.—Houston [14th Dist.] 2017, pet. filed) (discussing jurisdiction of statutory probate courts). However, nothing in these sections authorizes a probate court in a subsequent probate proceeding to award fees to the attorneys of a different party in a previously concluded guardianship proceeding from a different court.

Rice v. Rice

533 S.W.3d 58 (Tex. App. 2017) Cited 12 times

[1 more...](#)

An appeal is moot when there is no longer a live controversy between the parties and appellate relief would be futile. See *Lee v. Lee*, No. 14-16-00258-CV, 528 S.W.3d 201, 2017 WL 3270963, *4 (Tex. App.—Houston [14th Dist.] Aug. 1, 2017, no pet. h.) (citing *Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 787 (Tex. 2006)). Stated differently, "a case is moot when the court's action on the merits cannot affect the parties' rights or interests."

Goepp v. Comerica Bank

NO. 03-19-00485-CV (Tex. App. Jul. 9, 2021) 1 Legal Analyses

Section 32.006 concerns a statutory probate court's independent jurisdiction, not its jurisdiction over causes related to the probate proceeding. See *Lee v. Lee*, 528 S.W.3d 201, 213 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) ("Our conclusion that a statutory probate court has jurisdiction over 'an action involving an inter vivos trust, testamentary trust, or charitable trust' as unambiguously stated in Texas Estates Code section 32.006, is unaffected by the authorities Susan cites concerning proceedings 'appertaining to or incident to an estate.' The authorities on which Susan relies deal with conditions in which a court exercising original probate jurisdiction can exercise jurisdiction over related or ancillary matters; they do not address a statutory probate court's independent jurisdiction over trust actions.").

Samson Expl., LLC v. Hooks

NO. 09-18-00390-CV (Tex. App. Sep. 17, 2020) Cited 1 times

Our sister courts have applied this method to post-judgment calculations. See *First State Bank of Rogers v. Wallace*, 788 S.W.2d 41, 43 (Tex. App.—Houston [1st Dist.] 1990, no writ) (noting that when "interest has accrued on the funds in the registry after the date of judgment and prior to the withdrawal of the funds by appellees[,] [s]uch interest shall be credited to the post-judgment interest assessed against First State Bank on the amount paid in to the trial court's registry"); see also *Lee v. Lee*, 528 S.W.3d 201, 220 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (explaining that a judgment should be credited with offsets in determining post-judgment interest, "then those amounts would further reduce the amount of post-judgment interest that continued to compound"); *Rosenthal v. Rosenthal*, Nos. 01-99-00058-CV, 01-00-00259-CV, 2001 WL 1383132, at *8 (Tex. App.—Houston [1st Dist.] Nov. 8, 2001, pet. denied) (holding that a wife should not have to pay post-judgment interest for the time period that the husband possessed the funds that he obtained by garnishment). While we agree with Hooks that Samson's partial payments do not suspend post-judgment interest in its entirety, the trial court erred when it did not give Samson credit for its partial payments under the declining-principal interest framework outlined in both *Brainard* and *Battaglia*, in calculating post-judgment interest.

In re O.M.

No. 05-19-00909-CV (Tex. App. Aug. 17, 2020) Cited 1 times

See, e.g., *Mitchell v. Turbine Res. Unlimited, Inc.*, 523 S.W.3d 189, 195-96 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) (order authorizing receiver to sell vehicle became moot when vehicle sold); see also *Bass*, 2016 WL 1703007 at *1. We likewise reject Wife's reliance on *Lee v. Lee*, 528 S.W.3d 201 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) in which the appellate court concluded live controversies existed after the closing of a settlement agreement because attainable relief such as refunds or recession of a promissory note were still available. *Id.* at 209-10.

Nnaka v. Mejia

NO. 01-18-00779-CV (Tex. App. Jan. 28, 2020) Cited 3 times

[3 more...](#)

He appears to rely on cases holding that interlocutory orders are merged into the final judgment and that appellants need not list every interlocutory order that they intend to challenge as long as the notice of appeal identifies the final order or judgment. See, e.g., *Perry v. Cohen*, 272 S.W.3d 585, 587 (Tex. 2008) (per curiam) (holding that appellants "were not required to state in their notice of appeal that they were challenging the interlocutory order granting special exceptions" but only "the date of the judgment or order appealed from—in this instance the order dismissing their suit"); *Wall v. State Farm Lloyds*, 573 S.W.3d 281, 289 (Tex. App.—Houston [1st Dist.] 2018, no pet.) ("Our jurisdiction over the appeal from the final judgment is unimpaired by the notice of appeal's identification of an interlocutory order that would not be appealable in the absence of a final appealable judgment."); *Lee v. Lee*, 528 S.W.3d 201, 211 (Tex. App.—Houston [14th Dist.] 2017, pet. denied) ("[B]y stating in her notice of appeal her intent to appeal the trial court's final order signed on March 2, 2016, [appellant] invoked our jurisdiction not only to review that order but also to address interlocutory rulings that were merged into it."). In this case, however, there is no interlocutory order.