

DISMISS; and Opinion Filed October 14, 2016.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-00398-CV

**ROSE MARY BOLDEN, DARLENE THOMAS,
AND RUFUS GENE CHILDS, Appellants**

V.

FIDELITY NATIONAL TITLE INSURANCE CO., Appellee

**On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-10838**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Fillmore, and Justice Brown
Opinion by Justice Brown

By letter dated August 5, 2016, the Court questioned its jurisdiction over this appeal as there did not appear to be a final judgment. We instructed appellant to file a letter brief addressing our concern and gave appellee an opportunity to respond to any brief filed by appellants.

Generally, this Court has jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A final judgment is one that disposes of all pending parties and claims. *See id.*

In the original petition, appellee sought both damages for breach of warranty of title and attorney's fees. The trial court signed a default judgment awarding damages for breach of

warranty of title. The default judgment is silent as to appellee's claim for attorney's fees. Because the claim for attorney's fees remains pending, the judgment is not final.

Appellants filed a letter with this Court on August 17, 2016. Appellants, however, failed to address the jurisdictional issue in their letter. The judgment before this Court is not final. For this reason, this Court lacks jurisdiction over this appeal.

We dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

/Ada Brown/
ADA BROWN
JUSTICE

160398F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ROSE MARY BOLDEN, DARLENE
THOMAS, AND RUFUS GENE CHILDS,
Appellants

No. 05-16-00398-CV V.

FIDELITY NATIONAL TITLE
INSURANCE CO., Appellee

On Appeal from the 44th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-15-10838.
Opinion delivered by Justice Brown. Chief
Justice Wright and Justice Fillmore
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee FIDELITY NATIONAL TITLE INSURANCE CO. recover its costs of this appeal from appellants ROSE MARY BOLDEN, DARLENE THOMAS, AND RUFUS GENE CHILDS.

Judgment entered this 14th day of October, 2016.