



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

No. 05-18-01229-CV

**PETER SWART, Appellant
V.
NORA MORALES, Appellee**

**On Appeal from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-16-24538**

MEMORANDUM OPINION

Before Justices Myers, Osborne, and Nowell
Opinion by Justice Nowell

After reviewing the clerk's record, we questioned our jurisdiction over this appeal because there did not appear to be an appealable order. We instructed appellant to file a letter brief addressing the jurisdictional issue and permitted appellee to file a response to appellant's letter brief. Both parties filed letter briefs addressing the jurisdictional issue.

Although the record includes a memorandum ruling on the trial court's letterhead, the ruling is not signed. *See In re Newby*, 266 S.W.3d 557, 558 (Tex. App.—Amarillo 2008, orig. proceeding) (per curiam) (letter ruling satisfies requisites of formal judgment or order when, among other factors, it is signed). This Court has jurisdiction over appeals from signed orders or judgments. *See* TEX. R. APP. P. 26.1(b). Without a signed appealable order, this Court lacks jurisdiction over this appeal. *See Farmer v. Ben E. Keith Co.*, 907 S.W.2d 495, 496 (Tex. 1995)

(per curiam) (“appellate timetable *does not* commence to run other than by signed, written order”) (emphasis in original).

Further, this is an appeal of the denial of a special appearance in a divorce proceeding. Section 51.014(a)(7) of the civil practice and remedies code excludes an interlocutory appeal “in a suit brought under the Family Code.” TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(7). We, therefore, lack jurisdiction over this interlocutory appeal. *See CHEK Invs., L.L.C. v. L.R.*, 260 S.W.3d 704, 707 (Tex. App.—Dallas 2008, no pet.) (no jurisdiction over interlocutory appeal of denial of special appearance in divorce proceeding).

Accordingly, we dismiss this appeal for want of jurisdiction. TEX. R. APP. P. 42.3(a).

/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE

181229F.P05



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

PETER SWART, Appellant

No. 05-18-01229-CV V.

NORA MORALES, Appellee

On Appeal from the 256th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DF-16-24538.
Opinion delivered by Justice Nowell.
Justices Myers and Osborne participating.

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

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 10th day of April 2019.