

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI-EDINBURG

In the Estate of Rolando Guerra, Deceased

No. 13-25-00673-CV · No. 13-25-00673-CV · Decided March 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed an appeal from an order generally authorizing the sale of real property in a probate proceeding. The court held that the order was interlocutory and not appealable because the Estates Code provides for review after the probate court approves or disapproves the administrator’s report of sale, and no such report or final approval appeared in the record.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jenny Cron; Chief Justice Tijernia; Justice West; Justice Cron
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	March 26, 2026
DOCKET	13-25-00673-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Edward Roland Guerra appealed an order generally authorizing the sale of real property in a probate proceeding. The dependent administrator moved to dismiss for want of jurisdiction.
STANDARD OF REVIEW	Whether the court has jurisdiction to reach the merits of an appeal is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Edward Roland Guerra v. Noel Guerra, Dependent Administrator of the Estate

TOPICS

- probate procedure
- appellate jurisdiction
- final judgment rule
- estate administration
- standard of review

PRACTICE AREAS

probate

appellate procedure

estate administration

QUESTIONS PRESENTED

1. Whether an order generally authorizing a dependent administrator to sell estate real property is final and immediately appealable when no report of sale has been filed and no sale has been finally approved or disapproved.

HOLDINGS

1. An order granting a dependent administrator general authority to sell estate real property is interlocutory and not immediately appealable when the administrator has not filed a report seeking final approval of a sale and the probate court has not approved or disapproved the sale.

KEY QUOTATIONS

“The court’s action in approving or disapproving a report under Section 356.551 has the effect of a final judgment. Any person interested in the estate or in the sale is entitled to have an order entered under this section reviewed as in other final judgments in probate proceedings.” (at 2)

FACTUAL BACKGROUND

The probate court granted the dependent administrator's application for general authority to sell real property belonging to the estate. The administrator had not yet filed a report detailing the terms of a proposed sale, and the probate court had not finally approved or disapproved any sale. Edward Roland Guerra attempted to appeal the order authorizing the sale.

PROCEDURAL HISTORY

The Hidalgo County Probate Court rendered an Order of Sale of Real Property concerning the estate of Rolando Guerra. Edward Guerra filed a notice of appeal, asserting that the order conclusively adjudicated his challenge to the application to sell the property. The court of appeals held that the order was interlocutory and dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Bonsmara Nat. Beef Co. v. Hart of Tex. Cattle Feeders, LLC*, 603 S.W.3d 385, 387 (Tex. 2020)
- *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021)
- *Crowson v. Wakeham*, 897 S.W.2d 779, 783 (Tex. 1995)
- *De Ayala v. Mackie*, 193 S.W.3d 575, 578–79 (Tex. 2006)
- *In re Est. of Bendtsen*, 229 S.W.3d 845, 848 (Tex. App.—Dallas 2007, no pet.)

- In re Guardianship of Landgrebe, No. 13-20-00476-CV, 2020 WL 7294613, at *2–3 (Tex. App.—Corpus Christi–Edinburg Dec. 10, 2020, pet. denied) (mem. op.)
- In re Est. of Hill, No. 09-13-00022-CV, 2013 WL 6044404, at *2 (Tex. App.—Beaumont Nov. 14, 2013, no pet.) (mem. op.)
- Rawlins v. Weaver, 317 S.W.3d 512, 514 (Tex. App.—Dallas 2010, no pet.)
- Okumu v. Wells Fargo Bank, N.A., No. 02-09-00384-CV, 2010 WL 87735, at *3 (Tex. App.—Fort Worth Jan. 7, 2010, no pet.) (mem. op.)

OPINION

In the Estate of Rolando Guerra v. the State of Texas

PER CURIAM.

NUMBER 13-25-00673-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE ESTATE OF ROLANDO GUERRA, DECEASED

ON APPEAL FROM THE PROBATE COURT

OF HIDALGO COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijernia and Justices West and Cron Memorandum Opinion by Justice Cron Appellant, Edward Roland Guerra, proceeding pro se, filed a notice of appeal from an “Order of Sale of Real Property” rendered in a probate matter concerning the estate of his late father, Rolando Guerra. Noel Guerra, Dependent Administrator of the estate and appellee herein, has filed a motion to dismiss the appeal for want of jurisdiction. Edward responds in his brief that the order is appealable because it “conclusively adjudicated” his challenge to Noel’s application to sell the subject property. Because we agree that the order of sale is not an appealable order, we grant the motion and dismiss the appeal.

I. STANDARD OF REVIEW

Generally, an appeal may be taken only from final judgments. *Bonsmara Nat. Beef Co. v. Hart of Tex. Cattle Feeders, LLC*, 603 S.W.3d 385, 387 (Tex. 2020). Probate proceedings are an exception to the one-final-judgment rule because they may involve multiple orders on discrete issues, each of which may be final for purposes of appeal. See *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021). To determine if an order in a probate case is final for purposes of appeal, we first look to any controlling statute “declaring the phase of the probate proceedings to be final and appealable.” *Crowson v. Wakeham*, 897 S.W.2d 779, 783 (Tex. 1995). In the absence of such a statute, an order is interlocutory and not subject to immediate appeal unless it disposes of all parties or issues in a particular phase of the proceedings. *De Ayala v. Mackie*, 193 S.W.3d 575, 578–79 (Tex. 2006). Whether we have jurisdiction to reach the merits of an appeal is a question of

law. In re Guardianship of Jones, 629 S.W.3d at 924.

II. ANALYSIS

Chapter 356 of the Estates Code concerns the sale of estate property, and this statute sets out a “comprehensive statutory scheme governing estate administration proceedings to sell estate property and orders authorizing such sales.” In re Est. of Bendtsen, 229 S.W.3d 845, 848 (Tex. App.—Dallas 2007, no pet.). For instance, a dependent administrator must first seek general authority from a probate court to sell real property. TEX. EST. CODE § 356.256. Once the probate court grants an application to sell real property—as occurred here—and the administrator finds a willing buyer, the administrator must then file a report with the court detailing the terms of the proposed sale. Id. § 356.551. The sale is subject to final approval by the court, which considers, among other things, whether the proposed sale “is for a fair price.” Id. § 356.556(a). “The court’s action in approving or disapproving a report under Section 356.551 has the effect of a final judgment. Any person interested in the estate or in the sale is entitled to have an order entered under this section reviewed as in other final judgments in probate proceedings.” Id. § 356.556(c). Here, Edward is attempting to appeal an order that generally authorizes the sale of the subject property under section 356.256, but the appellate record does not indicate that Noel has filed a report seeking the probate court’s final approval of a pending sale, or that the court had approved any such sale. Several appellate courts, including our own, have dismissed appeals for lack of jurisdiction under these same circumstances. See In re Guardianship of Landgrebe, No. 13-20-00476-CV, 2020 WL 7294613, at *2–3 (Tex. App.—Corpus Christi-Edinburgh Dec. 10, 2020, pet. denied) (mem. op.) (dismissing appeal for lack of jurisdiction because order granting application to sell real property was interlocutory based on statutory scheme providing for appeal only from order approving or disapproving report of sale); In re Est. of Hill, 09-13-00022-CV, 2013 WL 6044404, at

*2 (Tex. App.—Beaumont Nov. 14, 2013, no pet.) (mem. op.) (same); Rawlins v. Weaver, 317 S.W.3d 512, 514 (Tex. App.—Dallas 2010, no pet.) (same); Okumu v. Wells Fargo Bank, N.A., No. 02-09-00384-CV, 2010 WL 87735, at *3 (Tex. App.—Fort Worth Jan. 7, 2010, no pet.) (mem. op.) (same) In re Est. of Bendtsen, 229 S.W.3d 845, 848 (Tex. App.—Dallas 2007, no pet.) (same). 3

III. CONCLUSION

Accordingly, we dismiss the appeal for want of jurisdiction. 1

JENNY CRON

Justice Delivered and filed on the 26th day of March, 2026. 1 All other pending motions are denied as moot. 4