

COURT OF APPEALS OF TEXAS, SECOND APPELLATE DISTRICT AT FORT WORTH

Jeffrey Polk Killian v. Angela Nicole Killian

No. 02-18-00239-CV · No. No. 02-18-00239-CV · Decided September 27, 2018

SUMMARY

The Texas Court of Appeals, Second Appellate District, dismissed Jeffrey Polk Killian's appeal for want of jurisdiction. The notice of appeal was premature because the trial court had not signed an appealable order or final judgment, and no such order was furnished by the deadline set by the appellate court.

CASE DETAILS

COURT	Court of Appeals of Texas, Second Appellate District at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth, Chief Justice; Mark T. Walker, Justice; Wade Meier, Justice
JURISDICTION	Texas
DECIDED	September 27, 2018
DOCKET	No. 02-18-00239-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the 16th District Court of Denton County after the appellant filed a notice of appeal before the trial court signed an appealable order or final judgment.
PRECEDENTIAL VALUE	Memorandum opinion; precedential status is not stated in the opinion text.
PARTIES	Jeffrey Polk Killian v. Angela Nicole Killian

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- family law

PRACTICE AREAS

- appellate procedure
- family law

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal filed before the trial court signed an appealable order or final judgment.

HOLDINGS

1. The court lacked jurisdiction because no signed appealable order or final judgment had been furnished, and it therefore dismissed the appeal for want of jurisdiction.

KEY QUOTATIONS

“Because neither party has furnished us with said order, we dismiss the appeal for want of jurisdiction.” (2)

FACTUAL BACKGROUND

The trial court clerk informed the court of appeals that the trial judge had not signed an appealable order or final judgment when Killian filed his notice of appeal. The appellate court gave the parties an opportunity to establish appellate jurisdiction by furnishing a signed appealable order, but no such order was provided.

PROCEDURAL HISTORY

Jeffrey Polk Killian filed a notice of appeal on July 27, 2018. The court of appeals notified the parties that the appeal appeared premature because the trial judge had not signed an appealable order or final judgment, and it gave them until August 16, 2018, to provide a signed order. Neither party furnished such an order, so the court dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed