

SUPREME COURT OF TEXAS

In the Estate of J. Hugh Wheatfall, Deceased

No. 24-0778 · No. No. 24-0778 · Decided February 13, 2026

SUMMARY

The Supreme Court of Texas held that a probate order admitting a will and denying an application for letters of administration was not final and appealable because it did not unequivocally dispose of objections filed after a specified date. The court concluded that the will contest remained pending until the trial court dismissed it on November 3, 2022, making the appeal timely. The court reversed the court of appeals’ dismissal for want of jurisdiction and remanded for consideration of the appeal’s merits.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Supreme Court of Texas
DECIDED	February 13, 2026
DOCKET	No. 24-0778
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of the court of appeals' dismissal of an appeal for want of jurisdiction in a probate proceeding.
STANDARD OF REVIEW	De novo review of whether a probate order is final and appealable and whether the appellate court had jurisdiction.
PRECEDENTIAL VALUE	precedential
PARTIES	Isaiah Wheatfall v. Theresa DeBose

TOPICS

- probate procedure
- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- will contests

PRACTICE AREAS

- Probate
- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

1. Whether the trial court's September 16, 2019 order admitting the will to probate and denying the application for letters of administration was a final, appealable order when it expressly overruled only objections asserted through September 4, 2019.
2. Whether the September 5, 2019 will contest remained pending after the September 16, 2019 probate order.
3. Whether Wheatfall timely appealed the November 3, 2022 order dismissing his will contest.

HOLDINGS

1. The September 16, 2019 order was not final or appealable because it neither actually disposed of all issues in the relevant probate phase nor clearly and unequivocally stated that it finally disposed of all such issues.
2. Wheatfall's September 5, 2019 will contest remained pending after the September 16 probate order.
3. The November 3, 2022 order dismissing the will contest was the first final order regarding the issues raised in the contest, and Wheatfall timely appealed that order.

KEY QUOTATIONS

“Under the general one-final-judgment rule, a judgment is final if it either “actually disposes of every pending claim and party” or “clearly and unequivocally states that it finally disposes of all claims and all parties.”” (at 6)

“We will not imply finality where the record and the order’s express language call finality into question.” (at 8)

“Accordingly, we agree with the court of appeals dissent and hold that (1) the trial court’s September 16, 2019 order was not final or appealable; (2) there was no final order regarding the issues raised in Wheatfall’s will contest until the trial court rendered its November 3, 2022 order dismissing the contest; and (3) Wheatfall timely appealed that order.” (at 9)

FACTUAL BACKGROUND

Hugh Wheatfall died in 2018. His son, Isaiah Wheatfall, applied for letters of administration alleging that Hugh died without a valid will, while his granddaughter, Theresa DeBose, applied to probate an alleged 2009 will. Before the trial court ruled on the competing applications, Wheatfall filed objections alleging improper execution, lack of testamentary capacity, and undue influence. The trial court's September 16, 2019 order admitted the will and denied Wheatfall's application but expressly overruled only objections asserted through September 4, leaving the September 5 will contest unresolved.

PROCEDURAL HISTORY

Isaiah Wheatfall applied for letters of administration and later filed objections and a will contest after Theresa DeBose applied to probate an alleged 2009 will. The trial court admitted the will to probate, denied Wheatfall's application for letters, and overruled objections asserted through September 4, 2019, while Wheatfall's September 5 will contest remained unresolved. The trial court later dismissed the will contest on November 3,

2022. The court of appeals dismissed Wheatfall's appeal, concluding that the 2019 probate order was final and appealable and that Wheatfall had not timely appealed. The Supreme Court of Texas reversed and remanded for consideration of the merits of the appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court of appeals must consider the merits of Wheatfall's appeal from the November 3, 2022 order dismissing his will contest.

CASES CITED

- De Ayala v. Mackie, 193 S.W.3d 575, 578 (Tex. 2006)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 192, 200, 205 (Tex. 2001)
- Crowson v. Wakeham, 897 S.W.2d 779, 783 (Tex. 1995)
- In re Estate of Crapps, No. 04-21-00300-CV, 2023 WL 378673, at *3 (Tex. App.—San Antonio Jan. 25, 2023, no pet.)
- In re Estate of Moreno, No. 04-19-00600-CV, 2020 WL 3259875, at *1 (Tex. App.—San Antonio June 17, 2020, no pet.)
- In re Lakeside Resort, JV, LLC, 689 S.W.3d 916, 924 (Tex. 2024)
- In re Hudson, 325 S.W.3d 811, 811 (Tex. App.—Dallas 2010, orig. proceeding)
- Perry v. Cohen, 272 S.W.3d 585, 587 (Tex. 2008)
- Verburgt v. Dorner, 959 S.W.2d 615, 616 (Tex. 1997)
- ____ S.W.3d ____, 2024 WL 3608191, at *3-5, *7 (Tex. App.—Houston [1st Dist.] 2024)