

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Tina Miles v. J.P. Morgan Chase Bank

No. 05-13-01337-CV (Tex. App.—Dallas Jan. 15, 2015) · No. 05-13-01337-CV · Decided January 19, 2015

SUMMARY

The Texas Court of Appeals affirmed a judgment awarding J.P. Morgan Chase Bank possession of property in a forcible detainer action against Tina Miles. Miles argued that the federal Protecting Tenants at Foreclosure Act entitled her to remain in possession under a ten-year lease. The court held that the evidence supported an implied finding that the tenancy was not bona fide because rent had not been paid for more than a year.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Lana Myers; Justice Bridges; Justice Lang-Miers; Justice Myers
JURISDICTION	Texas
DECIDED	January 19, 2015
DOCKET	05-13-01337-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tina Miles appealed a county court at law judgment awarding J.P. Morgan Chase Bank possession of real property in a forcible detainer action following foreclosure.
STANDARD OF REVIEW	When a trial court makes no separate findings of fact or conclusions of law, the appellate court implies all findings necessary to support the judgment that are supported by the evidence and affirms on any legal theory supported by the record. Implied fact findings may be challenged for legal and factual sufficiency. Legal sufficiency is reviewed by considering whether the evidence would enable reasonable and fair-minded people to differ; factual sufficiency is reviewed by considering all the evidence and reversing only if the finding is clearly wrong and unjust. Implied legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not expressly stated in the text.
PARTIES	Tina Miles v. J.P. Morgan Chase Bank

TOPICS

eviction landlord tenant statutory interpretation appellate procedure standard of review

PRACTICE AREAS

landlord-tenant law real property civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether Miles established that she was a bona fide tenant entitled under the Protecting Tenants at Foreclosure Act to remain in possession through the end of her lease term.
2. Whether the evidence supported the trial court's implied finding that Miles's lease was not a bona fide lease or tenancy because the rent was substantially less than fair market rent.
3. Whether the trial court's oral statement concerning the ten-year lease could serve as findings of fact or conclusions of law.

HOLDINGS

1. A forcible detainer action determines only the right to immediate possession of real property; the merits of title and the validity of a deed-of-trust foreclosure sale must be litigated in a separate action.
2. The Protecting Tenants at Foreclosure Act protects a tenant only if the lease or tenancy satisfies the statutory definition of a bona fide lease or tenancy; a lease is not bona fide if it requires rent substantially less than fair market rent, subject to the statutory subsidy exception.
3. A trial court's oral statements do not constitute written findings of fact and conclusions of law and cannot substitute for separately requested findings and conclusions.

KEY QUOTATIONS

“the only issue shall be as to the right to actual possession; and the merits of the title shall not be adjudicated.” (at 2)

“the judgment of the trial court must be affirmed if it can be upheld on any legal theory that finds support in the evidence.” (at 3)

FACTUAL BACKGROUND

J.P. Morgan purchased the property at a foreclosure auction on August 7, 2012, and later sent the occupants a demand to vacate. Miles testified that she had a ten-year lease with Roy Mitchell for \$500 per month or until she obtained financing to purchase the property, but she did not introduce the written lease. She also testified that she stopped paying rent at Mitchell's suggestion when foreclosure began and had paid no rent for more than a year.

PROCEDURAL HISTORY

J.P. Morgan purchased the property at a foreclosure auction and sued the occupants for forcible detainer after sending a notice to vacate. The justice court awarded J.P. Morgan possession, and Miles appealed to the County Court at Law No. 5 of Dallas County, which likewise awarded possession to J.P. Morgan. Miles appealed to the

Fifth District Court of Appeals, arguing that the federal Protecting Tenants at Foreclosure Act entitled her to remain through the end of her lease term.

DISPOSITION

affirmed

CASES CITED

- Rice v. Pinney, 51 S.W.3d 705, 709–10 (Tex. App.—Dallas 2001, no pet.)
- Scott v. Hewitt, 90 S.W.2d 816, 818–19 (Tex. 1936)
- In re W.E.R., 669 S.W.2d 716, 716 (Tex. 1984) (per curiam)
- Worford v. Stamper, 801 S.W.2d 108, 109 (Tex. 1990) (per curiam)
- Hollingsworth v. Hollingsworth, 274 S.W.3d 811, 815 (Tex. App.—Dallas 2008, no pet.)
- BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789, 795 (Tex. 2002)
- Lassiter v. Bliss, 559 S.W.2d 353, 358 (Tex. 1977)
- Cherne Indus., Inc. v. Magallanes, 763 S.W.2d 768 (Tex. 1989)
- Gainous v. Gainous, 219 S.W.3d 97, 103 (Tex. App.—Houston [1st Dist.] 2006, pet. denied)
- OAIC Commercial Assets, L.L.C. v. Stonegate Vill., L.P., 234 S.W.3d 726, 736 (Tex. App.—Dallas 2007, pet. denied)
- City of Keller v. Wilson, 168 S.W.3d 802, 827 (Tex. 2005)
- Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986) (per curiam)
- Young v. Young, 168 S.W.3d 276, 281 (Tex. App.—Dallas 2005, no pet.)
- Bob Montgomery Chevrolet, Inc. v. Dent Zone Cos., 409 S.W.3d 181, 187 (Tex. App.—Dallas 2013, no pet.)
- Turner v. Mullins, 162 S.W.3d 356, 364 (Tex. App.—Fort Worth 2005, no pet.)