

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Jonekia Scott, Mariah Scott, and Christopher Scott v. Alamo Title
Insurance Company

No. 02-25-00340-CV (Tex. App.—Fort Worth Jan. 22, 2026) · No. No. 02-25-00340-CV · Decided January 22,
2026

SUMMARY

The Court of Appeals for the Second Appellate District of Texas dismissed the Scotts’ appeal for want of jurisdiction after the trial court set aside the final judgment being appealed. The court concluded that the appeal was moot as to the vacated judgment and premature as to interlocutory rulings not incorporated into a new final judgment.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth; Bonnie Sudderth, C.J.; Kerr, J.; Birdwell, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	January 22, 2026
DOCKET	No. 02-25-00340-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a final judgment that the trial court set aside within forty-eight hours after signing it; appellee moved to dismiss the appeal for want of jurisdiction.
STANDARD OF REVIEW	De novo review of appellate jurisdiction; an appellate court must determine its jurisdiction before reaching the merits.
PRECEDENTIAL VALUE	published
PARTIES	Jonekia Scott, Mariah Scott, Christopher Scott v. Alamo Title Insurance Company

TOPICS

mootness

appellate jurisdiction

final judgment rule

interlocutory appeal

appellate procedure

PRACTICE AREAS

appellate procedure

civil procedure

insurance

QUESTIONS PRESENTED

1. Whether the court of appeals retained jurisdiction over an appeal from a final judgment that the trial court set aside after the notice of appeal was filed.
2. Whether the appeal was moot because the appealed-from judgment had been vacated.
3. Whether any challenge to interlocutory rulings was premature because no new final judgment or appealable interlocutory order existed.

HOLDINGS

1. The court of appeals lacked jurisdiction because the trial court had set aside the appealed-from final judgment.
2. The appeal was moot to the extent it challenged the vacated final judgment.
3. Any challenge to interlocutory rulings was premature because the rulings had not been incorporated into a new final judgment and no appealable interlocutory order remained.

KEY QUOTATIONS

“Because the trial court set aside the appealed-from final judgment, the Scotts’ appeal is (1) moot to the extent that it seeks to challenge that judgment, (2) premature to the extent that it seeks to challenge interlocutory rulings not yet cemented in a new final judgment, or (3) both.”

“Whatever the case may be, we lack jurisdiction over the appeal.”

FACTUAL BACKGROUND

The trial court signed a final judgment in the underlying case and then set that judgment aside within forty-eight hours. The appellants had filed a notice of appeal before the judgment was set aside. After the judgment was vacated, no operative final judgment remained for review, and any interlocutory rulings had not been incorporated into a new final judgment.

PROCEDURAL HISTORY

The County Court at Law No. 1 of Tarrant County signed a final judgment. Within forty-eight hours, the trial court set that judgment aside under Texas Rule of Civil Procedure 329b(d) and (e). The appellants had already filed a notice of appeal, and the appellee moved to dismiss. The court of appeals granted the motion and dismissed the appeal for want of jurisdiction because the challenged judgment had been vacated and any challenge to unresolved interlocutory rulings was premature.

DISPOSITION

dismissed

CASES CITED

- Robnett v. Robnett, No. 02-25-00188-CV, 2025 WL 1909328, at *1 (Tex. App.—Fort Worth July 10, 2025, no pet.) (per curiam) (mem. op.)
- Spraggins v. Henderson Tenant LP, No. 02-25-00066-CV, 2025 WL 727839, at *1 (Tex. App.—Fort Worth Mar. 6, 2025, pet. denied) (mem. op.)
- Oncor Elec. Delivery Co. v. Bettinger, No. 02-18-00193-CV, 2018 WL 3468468, at *1 (Tex. App.—Fort Worth July 19, 2018, no pet.) (per curiam) (mem. op.)
- In re R.S., No. 02-20-00108-CV, 2020 WL 1949023, at *1 (Tex. App.—Fort Worth Apr. 23, 2020, no pet.) (per curiam) (mem. op.)
- Heckman v. Williamson Cnty., 369 S.W.3d 137, 162 (Tex. 2012)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 195 (Tex. 2001)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____, No. 02-25-00340-CV _____
JONEKIA SCOTT, MARIAH SCOTT, AND CHRISTOPHER SCOTT, Appellants V. ALAMO
TITLE INSURANCE COMPANY, Appellee On Appeal from County Court at Law No. 1 Tarrant
County, Texas Trial Court No. 2025-003098-1 Before Sudderth, C.J.; Kerr and Birdwell, JJ.
Memorandum Opinion by Chief Justice Sudderth MEMORANDUM OPINION Within forty-eight
hours of signing a final judgment, the trial court set the judgment aside.

See Tex. R. Civ. P. 329b(d), (e). But by that time, Appellants Jonekia Scott, Mariah Scott, and Christopher Scott had already filed their notice of appeal. Appellee Alamo Title Insurance Company moves to dismiss the appeal for want of jurisdiction.¹ See Tex. R. App. P. 42.3(a) (authorizing appellate court to dismiss for want of jurisdiction “on any party’s motion”).

Alamo’s motion is well taken. Because the trial court set aside the appealed-from final judgment, the Scotts’ appeal is (1) moot to the extent that it seeks to challenge that judgment, see Robnett v. Robnett, No. 02-25-00188-CV, 2025 WL 1909328, at *1 (Tex. App.—Fort Worth July 10, 2025, no pet.) (per curiam) (mem. op.) (holding that, “[b]ecause the appealed order ha[d] been dissolved[,]. . . a controversy no longer exist[ed] between the parties,” so “the appeal [was] moot”); accord Spraggins v. Henderson Tenant LP, No. 02-25-00066-CV, 2025 WL 727839, at *1 (Tex.

App.—Fort Worth Mar. 6, 2025, pet. denied) (mem. op.); Oncor Elec. Delivery Co. v. Bettinger, No. 02-18-00193-CV, 2018 WL 3468468, at *1 (Tex. App.—Fort Worth July 19, 2018, no pet.) (per curiam) (mem. op.); (2) premature to the extent that it seeks to challenge interlocutory rulings

not yet cemented in a new final judgment, see *In re R.S.*, No. 02-20-00108-CV, 2020 WL 1 When Alamo filed its motion, it certified that the Scotts had not indicated whether they were opposed to the appeal's dismissal.

More than ten days have passed since Alamo moved to dismiss the appeal, and the Scotts have not filed a response. 2 1949023, at *1 (Tex. App.—Fort Worth Apr. 23, 2020, no pet.) (per curiam) (mem. op.) (noting that, because trial court vacated the termination judgment and continued the case, there was no longer a final judgment or appealable interlocutory order to support the appeal); or (3) both.

Whatever the case may be, we lack jurisdiction over the appeal. See *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 162 (Tex. 2012) (recognizing that “a court cannot decide a case that has become moot during the pendency of the litigation”); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (“[T]he general rule, with a few mostly statutory exceptions [for certain interlocutory orders], is that an appeal may be taken only from a final judgment.”).

We therefore grant Alamo's motion and dismiss this appeal. See Tex. R. App. P. 42.3(a), 43.2(f); *Robnett*, 2025 WL 1909328, at *1 (dismissing appeal for want of jurisdiction when challenged order had been dissolved, rendering appeal moot); *R.S.*, 2020 WL 1949023, at *1 (dismissing appeal for want of jurisdiction when there was no longer a final judgment or appealable interlocutory order). /s/ Bonnie Sudderth Bonnie Sudderth Chief Justice Delivered: January 22, 2026 3