

Dismissed and Opinion filed June 21, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00256-CV

GEORGE THOMAS, Appellant

V.

**U.S. BANK TRUST NATIONAL ASSOCIATION, FKA FIRST TRUST NATIONAL
ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING
AGREEMENT, NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 1999-
NC3, Appellee**

**On Appeal from the 409th District Court
Fort Bend County, Texas
Trial Court Cause No. 114,936**

MEMORANDUM OPINION

This is an attempted appeal from an Order to Proceed with Real Property Foreclosure Sale under Texas Rule of Civil Procedure 736, signed November 29, 2000. Appellant filed a motion for new trial, which was overruled by operation of law. Appellant then filed a notice of appeal.

The order being appealed was entered pursuant to Rule 736 of the Texas Rules of Civil Procedure concerning the expedited foreclosure of a lien for a home equity loan or

a reverse mortgage. *See* TEX. R. CIV. P. 736. The only issue to be determined under Rule 736 is the right of the applicant to obtain an order to proceed with foreclosure. TEX. R. CIV. P. 736 (7). “The granting or denial of the application is not an appealable order.” TEX. R. CIV. P. 736 (8).¹

On April 12, 2001, notification was transmitted to all parties of the Court’s intent to dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant was granted an extension of time until May 14, 2001, to respond to the notice. Appellant’s response fails to demonstrate that this Court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed. All pending motions are denied as moot.

PER CURIAM

Judgment rendered and Opinion filed June 21, 2001.

Panel consists of Justices Edelman and Frost and Senior Chief Justice Murphy.²

Do Not Publish — TEX. R. APP. P. 47.3(b).

¹ Our record does not reflect whether appellant filed a petition contesting the right to foreclose or filed notice of any such petition with the district clerk so as to abate and effect dismissal of the rule 736 proceeding. *See* TEX. R. CIV. P. 736(10).

² Senior Chief Justice Paul C. Murphy sitting by assignment.