

**DISMISS and Opinion Filed April 20, 2021**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-20-01069-CV**

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**TANSAH JENAE ADAMS, Appellant  
V.  
BANK OF AMERICA, N.A., Appellee**

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**On Appeal from the 162nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-09833**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Smith  
Opinion by Chief Justice Burns

We questioned our jurisdiction over this appeal from the trial court's order granting appellee's motion for summary judgment and dismissing appellant's breach of contract claim as it did not appear to be final and appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (subject to mostly statutory exceptions, appeal may be taken only from final judgment that disposes of all parties and claims). The record reflected that appellant originally filed suit for breach of contract, but after appellee moved for summary judgment, appellant added a claim for fraudulent misrepresentation. Appellee did not amend or supplement its motion

for summary judgment, and the trial court's order specifically stated only the breach of contract claim was being dismissed.

In letter briefing filed at our request, appellant notes the record reflects the trial date set for August 24, 2021 has been canceled and the case has been closed. She argues that “[c]losing an entire case can only be interpreted as the case and all claims being disposed.” However, while the record may help clarify whether an order is final when the order is vague, it does not when, as here, the order “clearly and unequivocally” states it does not dispose of all claims. *See Lehmann*, 39 S.W.3d at 205-06.

Because the appealed order is not final, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Lehmann*, 39 S.W.3d at 195.

/Robert D. Burns, III/  
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ROBERT D. BURNS, III  
CHIEF JUSTICE

201069F.P05



**Court of Appeals  
Fifth District of Texas at Dallas**

JUDGMENT

TANSAH JENAE ADAMS,  
Appellant

No. 05-20-01069-CV      V.

BANK OF AMERICA, N.A.,  
Appellee

On Appeal from the 162nd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-20-09833.  
Opinion delivered by Chief Justice  
Burns, Justices Molberg and Smith  
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee Bank of America, N.A. recover its costs, if any, of this appeal from appellant Tansah Jenae Adams.

Judgment entered April 20, 2021.