**[Sheldon v. Sheldon](https://casetext.com/case/sheldon-v-sheldon-13?jxs=tx&p=1&q=The+Court%E2%80%99s+judgment+in+this+case+is+void+for+lack+of+subject+matter+jurisdiction%2C+not+merely+voidable%2C+a+key+distinction.+While+voidable+judgments+must+be+challenged+within+normal+appellate+time+constraints%2C+there+is+no+deadline+to+challenge+a+judgment+that+is+void+for+lack+of+subject+matter+jurisdiction.&sort=relevance&type=case&ssr=false&scrollTo=true&find=)**

NO. 03-11-00803-CV (Tex. App. Nov. 22, 2013)Cited 3 times

[*Errors other than lack of jurisdiction render a judgment merely voidable, and it must be attacked within the prescribed time limits.* Hagen, 282 S.W.3d at 902; Baxter, 794 S.W.2d at 762.](https://casetext.com/case/sheldon-v-sheldon-13?jxs=tx&p=1&q=The+Court%E2%80%99s+judgment+in+this+case+is+void+for+lack+of+subject+matter+jurisdiction%2C+not+merely+voidable%2C+a+key+distinction.+While+voidable+judgments+must+be+challenged+within+normal+appellate+time+constraints%2C+there+is+no+deadline+to+challenge+a+judgment+that+is+void+for+lack+of+subject+matter+jurisdiction.&sort=relevance&type=case&ssr=false&scrollTo=true&find=#pa47)

“Errors other than lack of jurisdiction render the judgment merely voidable and must be attacked within the prescribed time limits."). ” [*In re Interest of D.C.*, No. 13-15-00486-CV, at \*10](https://casetext.com/case/in-re-dc-127?jxs=tx&p=1&q=The%20Court%E2%80%99s%20judgment%20in%20this%20case%20is%20void%20for%20lack%20of%20subject%20matter%20jurisdiction,%20not%20merely%20voidable,%20a%20key%20distinction.%20While%20voidable%20judgments%20must%20be%20challenged%20within%20normal%20appellate%20time%20constraints,%20there%20is%20no%20deadline%20to%20challenge%20a%20judgment%20that%20is%20void%20for%20lack%20of%20subject%20matter%20jurisdiction.&sort=relevance&type=case&ssr=false&scrollTo=true&find=#pa43) (Tex. App. July 21, 2016)

After the time to file an appeal has expired, a party to a final judgment may collaterally attack the judgment on the ground that the judgment was void. *PNS Stores, Inc. v. Rivera*, [379 S.W.3d 267, 272](https://casetext.com/case/pns-stores-3#p272) (Tex. 2012). A judgment is void, rather than merely voidable, when the court rendering judgment lacked jurisdiction. *Id.* Though a QDRO is a final appealable order to which res judicata applies, a party may collaterally attack a QDRO if she can show it is void. *Gainous v. Gainous*, [219 S.W.3d 97, 105-06](https://casetext.com/case/gainous-v-gainous-1#p105) (Tex. App.-Houston [1st Dist.] 2006, pet. denied) (citing *Baxter v. Ruddle*, [794 S.W.2d 761, 762](https://casetext.com/case/baxter-v-ruddle-1#p762) (Tex. 1990)).

*Bowles v. Bowles*, No. 08-23-00311-CV, at \*4 (Tex. App. Apr. 26, 2024)

Lack of subject matter jurisdiction renders a judgment void, rather than merely voidable, so that it may be challenged either directly or collaterally. See and compare, Browning v. Placke,698 S.W.2d 362 (Tex. 1985)

Miller v. Woods, 872 S.W.2d 343, 346 (Tex. App. 1994)

** [Bancorpsouth B. v. Prevot](https://casetext.com/case/bancorpsouth-b-v-prevot?jxs=5cir%2Cus%2Ctx&p=1&q=Statutes+of+limitations+do+not+apply+to+Judgments+void+for+want+of+subject+matter+jurisdiction&sort=relevance&type=case&ssr=false&scrollTo=true&find=)**

No. 14-06-00302-CV (Tex. App. Feb. 26, 2008)

In one line of cases, the Texas Supreme Court has held that a bill of review is the only method by which a trial court may set aside its judgment after its plenary power has expired unless the court lacked "jurisdictional power" to render the judgment. Middleton v. Murff, 689 S.W.2d 212, 213 (Tex. 1985) (citing Deen v. Kirk, 508 S.W.2d 70, 72 (Tex. 1974); McEwen v. Harrison, 345 S.W.2d 706, 710 (Tex. 1961) (orig. proceeding)). In this context, "jurisdictional power" means "`jurisdiction over the subject matter, the power to hear and determine cases of the general class to which the particular one belongs.'" Middleton, 689 S.W.2d at 213 (quoting Deen, 508 S.W.2d at 72). *The court recognized that a judgment may be void for reasons other than lack of subject matter jurisdiction, but a judgment may not be set aside at any time on the ground it is void.* See Middleton, 689 S.W.2d at 213 (citing Deen, 508 S.W.2d at 72; McEwen, 345 S.W.2d at 710).

#### [PNS Stores, Inc. v. Rivera ex rel. Rivera](https://casetext.com/case/pns-stores-3?jxs=5cir%2Cus%2Ctx&p=1&q=A+judgment+void+upon+its+face+is+subject+to+an+attack+at+any+time%22+&sort=relevance&tab=keyword&type=case&ssr=false&scrollTo=true)

55 Tex. Sup. Ct. J. 1400 (Tex. 2012)Cited 266 times

Judge's Summary — Stating trial court's prior judgment is void and subject to collateral attack if record affirmatively demonstrates that court lacked subject matter jurisdiction over suit

1 of 3

[…the judgment's rendition. A void judgment, on the other hand, can be collaterally attacked at any time. In re E.R., ––– S.W.3d ––––, –––– (Tex.2012). A collateral attack seeks to avoid the binding effect…](https://casetext.com/case/pns-stores-3?jxs=5cir%2Cus%2Ctx&p=1&q=A+judgment+void+upon+its+face+is+subject+to+an+attack+at+any+time%22+&sort=relevance&tab=keyword&type=case&ssr=false&scrollTo=true)

####  [Fehlhaber v. Fehlhaber](https://casetext.com/case/fehlhaber-v-fehlhaber-2?jxs=5cir%2Cus%2Ctx&p=1&q=Statutes+of+limitations+do+not+apply+to+Judgments+void+for+want+of+subject+matter+jurisdiction&sort=relevance&type=case&ssr=false&scrollTo=true&find=)

681 F.2d 1015 (5th Cir. 1982)Cited 154 times

Judge's Summary — binding under Stein v. Reynolds Securities, Inc., 667 F.2d 33, 34 (11th Cir. 1982)

The requirement of full faith and credit is tempered, however, by "some basic limitations." Underwriters National Assurance Co. v. North Carolina Life and Accident and Health Insurance Guaranty Assoc., \_\_\_ U.S. \_\_\_, \_\_\_, 102 S.Ct. 1357, 1365, 71 L.Ed.2d 558, 570 (1982). The chief such limitation is that full faith and credit will not be given a judgment if the rendering court did not have jurisdiction over the parties and the subject matter. Id. Thus the requirement of full faith and credit does not initially attach if the judgment suffers jurisdictional defects that render it void. *A judgment is not always open for collateral attack on the grounds of lack of jurisdiction, however.* Federal principles of res judicata and collateral estoppel apply even to jurisdictional issues. Id. at \_\_\_, 102 S.Ct. at 1366; see note 27 infra.

“Errors other than lack of jurisdiction render the judgment merely voidable and must be attacked within the prescribed time limits.")” *In re Interest of D.C.*, No. 13-15-00486-CV, at \*10 (Tex. App. July 21, 2016)

the Rooker-Feldman Doctrine; the Probate Exception;

because the issues involve due process; corruption of blood; res judicata; full faith and credit; comity; perjury and contempt for a pending injunction issued in the Southern District of Texas.

1. The first lawsuit was filed in the Southern District of Texas, was dismissed under the probate exception and went to the 5th circuit.
2. Parallel state court litigation, Harris County Probate Court No. 4 filing and admission of wills, letters testamentary for independent administration to Brother Carl Brunsting.
   1. Independent Administrator files petition to take depositions before suit in Harris County 180th Judicial District Court.
3. Fifth Circuit reversed and remanded the Southern District of Texas for further proceedings.
4. Parallel state court litigation involving claims against the estate planning attorneys in Harris County 164th Judicial District Court.
5. Federal Injunction issued SDTX
   1. Special Master appointed to establish a trust accounting
   2. Hearing had on Report of Special Master

## MENDEL

Tafoya v. Green Tree Servicing LLC, No. 03-14-00391-CV (Tex. App. Dec. 30, 2014) “Tafoya challenges the summary judgment on the grounds that it is (1) void for failure to comply with the applicable rules of procedure and (2) not supported by sufficient evidence. ”

Browning v. Prostok, 165 S.W.3d 336 (Tex. 2005) Over two years after the bankruptcy court entered its order confirming the reorganization plan proposed by the debtor, a class of bondholders brought this suit. The class of bondholders alleges that the officers and directors breached their fiduciary duties by intentionally undervaluing the debtor during the bankruptcy proceedings. The trial court granted summary judgment against the class and entered a take-nothing judgment. We consider whether the class claims, based on conduct occurring during bankruptcy proceedings, can be maintained in state court years after the bankruptcy court's final order confirming the debtor's reorganization plan. We conclude that the claims cannot. *Browning v. Prostok*, 165 S.W.3d 336, 338 (Tex. 2005)

*Cadle Co. v. Lobingier*, 50 S.W.3d 662 (Tex. App.—Fort Worth 2001,

pet. denied) “In several of their points, the Cadles collaterally attack our 1996 contempt judgment, asserting it is void. Where, as here, the contemnor is not restrained, mandamus is the proper vehicle for collaterally attacking a contempt judgment. *In re Long,* [984 S.W.2d 623, 625](https://casetext.com/case/in-re-long-25#p625) (Tex. 1999) (orig. proceeding). ” *Cadle Co. v. Lobingier*, 50 S.W.3d 662, 666 (Tex. App. 2001)

*Curtis v. Brunsting*, 860 Fed. App’x 332 (5th Cir. 2021) (Per Curiam)

On May 15, 2014, the district court granted leave to file the amended complaint. It also granted the purported motion to remand, reasoning that the lack of complete diversity and the need to avoid inconsistent judgments in related lawsuits warranted remand and consolidation. The Harris County Probate Court accepted the "remand," and later consolidated the lawsuits, *Curtis v. Brunsting*, No. 20-20566, at \*2 (5th Cir. June 21, 2021)

About two years later and after discharging her counsel, Curtis began a *pro se* effort to obtain relief from the orders and reinstate her federal case. On August 3, 2016, she filed a motion for relief based on [Federal Rule of Civil Procedure 60(b)(3)](https://casetext.com/statute/united-states-code/title-28-appendix/federal-rules-of-civil-procedure/title-vii-judgment/rule-60-relief-from-a-judgment-or-order), [60(b)(6)](https://casetext.com/statute/united-states-code/title-28-appendix/federal-rules-of-civil-procedure/title-vii-judgment/rule-60-relief-from-a-judgment-or-order), and [60(d)(3)](https://casetext.com/statute/united-states-code/title-28-appendix/federal-rules-of-civil-procedure/title-vii-judgment/rule-60-relief-from-a-judgment-or-order). She argued that the defendants perpetrated a fraud on the court by agreeing to the remand and then refusing to honor the federal injunction and other orders of the federal district court. She also accused her former counsel of seeking remand "to obstruct justice in pursuit of attorney fees." In essence, she asked the district court to reinstate the federal case. The court took no action on the motion.

More than two years later, in March 2019, Curtis sought to have the defendants and their counsel held in contempt for violating the federal injunction. The district court held a telephonic hearing and entered an order denying Curtis's show-cause motion. The district court explained that it was "of the opinion that, having transferred the case to Harris County Probate Court, it no longer ha[d] jurisdiction of the case." Curtis did not appeal from that order. *Curtis v. Brunsting*, No. 20-20566, at \*2 (5th Cir. June 21, 2021)

1. This action involves administration of a trust for which Plaintiff is a beneficiary and for which Defendant’s claims to be Co-trustees.
2. This action involves administration of a trust for which Plaintiff is a beneficiary and for which Defendant Anita Brunsting claims to be trustee.
3. acts affecting interstate and foreign commerce