

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

Sherri Rather & All Occupants v. Paradise Hills

Rather · No. 02-12-00460-CV · Decided February 14, 2013

SUMMARY

The Texas Court of Appeals for the Second District dismissed the appeal because the appellant failed to pay the required \$175 filing fee after receiving notice under Texas Rule of Appellate Procedure 42.3(c). The court assessed all appellate costs against the appellant.

CASE DETAILS

COURT	Court of Appeals of Texas, Second District, Fort Worth
WRITING FOR THE COURT	Dauphinot, J.; Gardner, J.; Walker, J.
JURISDICTION	Texas
DECIDED	February 14, 2013
DOCKET	02-12-00460-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant's appeal from the County Court at Law No. 1 of Tarrant County was dismissed for failure to pay the appellate filing fee after receiving notice and an opportunity to cure.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion under Tex. R. App. P. 47.4.
PARTIES	Sherri Rather & All Occupants v. Paradise Hills

TOPICS

[appellate procedure](#) [costs](#) [civil procedure](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the court of appeals could dismiss the appeal when appellant failed to pay the required \$175 filing fee after receiving notice that dismissal would result.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to pay the required filing fee after notice that the appeal will be dismissed for noncompliance.

KEY QUOTATIONS

“Because appellant has failed to comply with a requirement of the rules of appellate procedure and the Texas Supreme Court’s order of August 28, 2007, we dismiss the appeal.”

FACTUAL BACKGROUND

The court notified appellant on November 19, 2012, and December 10, 2012, that the appeal would be dismissed unless the \$175 filing fee was paid. Appellant did not pay the fee, and the court dismissed the appeal for failure to comply with the appellate rules and the Texas Supreme Court's fee order.

PROCEDURAL HISTORY

The appeal was pending in the Second District Court of Appeals of Texas. The court twice notified appellant that the appeal would be dismissed unless the \$175 filing fee was paid, but appellant did not pay the fee. The court dismissed the appeal and assessed all appellate costs against appellant.

DISPOSITION

dismissed

OPINION

PER CURIAM.

02-12-460-CV COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 02-12-00460-CV Sherri Rather & all occupants APPELLANT V. Paradise Hills APPELLEE FROM County Court at Law No. 1 OF Tarrant COUNTY MEMORANDUM OPINION[1] AND JUDGMENT On November 19, 2012, and December 10, 2012, we notified appellant, in accordance with rule of appellate procedure 42.3(c), that we would dismiss this appeal unless the \$175 filing fee was paid.

See Tex. R. App. P. 42.3(c). Appellant has not paid the \$175 filing fee. See Tex. R. App. P. 5, 12.1(b). Because appellant has failed to comply with a requirement of the rules of appellate procedure and the Texas Supreme Court’s order of August 28, 2007,[2] we dismiss the appeal. See Tex. R. App. P. 42.3(c), 43.2(f). Appellant shall pay all costs of this appeal, for which let execution issue.

See Tex. R. App. P. 43.4. PER CURIAM PANEL: DAUPHINOT, GARDNER, and WALKER, JJ. DELIVERED: February 14, 2013 [1]See Tex. R. App. P. 47.4. [2]See Supreme Court of Tex., Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and

Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Aug. 28, 2007)
(listing fees in courts of appeals).

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-of-texas-second-district-fort-worth/2013/herri-rather-and-all-occupants-v-paradise-hills-8wgez2g0>