

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Lanesha Washington v. Cerberus SFR Holding

No. 01-18-00712-CV, Court of Appeals for the First District of Texas at Houston (September 13, 2018)

SUMMARY

The Texas First Court of Appeals directed that Lanesha Washington be permitted to proceed on appeal without payment of court costs based on her statement of inability to afford costs and the absence of a contest. The court also directed preparation of the reporter's record at no cost to Washington and set an October 2, 2018 filing deadline.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
JURISDICTION	Texas
DECIDED	September 13, 2018
DOCKET	01-18-00712-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a notice of appeal from the trial court's final judgment signed August 3, 2018. The appellate court addressed appellant's ability to proceed without payment of costs and ordered preparation of the reporter's record without cost.
PRECEDENTIAL VALUE	Procedural appellate order
PARTIES	Lanesha Washington v. Cerberus SFR Holding

TOPICS

appellate procedure

costs

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether appellant should be permitted to proceed on appeal without payment of court costs when the record contains an uncontested statement of inability to afford those costs.
2. Whether the reporter's record should be prepared and filed without cost to appellant.

HOLDINGS

1. Because the record contained appellant's statement of inability to afford payment of court costs or an appeal bond and no contest or motion requiring payment was reflected, appellant was allowed to proceed on appeal without payment of costs.
2. The court reporter clerk was directed to prepare and file the reporter's record at no cost to appellant.

FACTUAL BACKGROUND

Appellant filed a statement of inability to afford payment of court costs or an appeal bond in the trial court. The appellate clerk's record did not reflect that a motion to require payment of costs or a contest to the statement had been filed. The appellate court therefore directed that appellant proceed without payment of costs and that the reporter's record be prepared without cost.

PROCEDURAL HISTORY

The County Civil Court at Law No. 1 of Harris County entered a final judgment on August 3, 2018. Lanesha Washington appealed and filed a statement of inability to afford payment of court costs or an appeal bond. Because the clerk's record showed no motion to require payment or contest to the statement, the court allowed the appeal to proceed without payment of costs and directed preparation of the reporter's record at no cost.

DISPOSITION

other

OPINION

Lanesha Washington v. Cerberus SFR Holding

PER CURIAM.

COURT OF APPEALS FOR THE

FIRST DISTRICT OF TEXAS AT HOUSTON

NOTICE

Appellate case name: Lanesha Washington v. Cerberus SFR Holding Appellate case number: 01-18-00712-CV Trial court case number: 1112687 Trial court: County Civil Court at Law No. 1 of Harris County Appellant, Lanesha Washington, has filed a notice of appeal of the trial court's final judgment signed on August 3, 2018. The clerk's record filed in this Court includes appellant's "Statement of Inability to Afford Payment of Court Costs or an Appeal Bond" filed in the trial court proceedings. See TEX. R. CIV. P. 145(a), (b), 510.9(c). The clerk's record does not reflect that any motion to require appellant to pay costs or any contest to appellant's statement was filed. See id. 145(f), 510.9(c)(2). Accordingly, the Clerk of this Court is directed to make an entry in this Court's records that appellant is allowed to proceed on appeal without payment of costs. See TEX. R. CIV. P. 145(a), (c); TEX. R. APP. P. 20.1. The court reporter clerk is directed to prepare and file with this Court a reporter's record at no cost to appellant. See TEX. R. CIV. P. 145(a), (c); TEX. R.

APP. P. 35.3(b), (c). The reporter's record is due to be filed no later than October 2, 2018. See TEX. R. APP. P. 35.1. Judge's signature: /s/ Terry Jennings Acting individually Acting for the Court Date: September 13, 2018

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