

FOURTEENTH COURT OF APPEALS OF TEXAS

**George Schilter, in His Capacity as the Independent Executor of the
Estate of Kathrin Gvadia, Deceased v. Zachary T. Dixon**

No. 14-22-00688-CV · No. No. 14-22-00688-CV · Decided November 3, 2022

SUMMARY

The Fourteenth Court of Appeals of Texas ordered the appellant to file a motion to extend the deadline for filing a notice of appeal. The court explained that although an extension motion is implied when the notice is filed within 15 days of the deadline, the appellant must provide a reasonable explanation for the late filing, or the appeal may be dismissed for want of jurisdiction.

OPINION

PER CURIAM.

Order filed November 3, 2022 In The Fourteenth Court of Appeals _____ NO. 14-22-00688-CV _____ GEORGE SCHILTER, IN HIS CAPACITY AS THE INDEPENDENT EXECUTOR OF THE ESTATE OF KATHRIN GVADIA, DECEASED, Appellant V. ZACHARY T. DIXON, Appellee On Appeal from the 151st District Court Harris County, Texas Trial Court Cause No. 2020-79584 ORDER This is an appeal from a judgment signed June 13, 2022.

Appellant timely filed a post-judgment motion. The notice of appeal was due September 12, 2022. See Tex. R. App. P. 26.1. Appellant, however, filed the notice of appeal on September 23, 2022, a date within 15 days of the due date for the notice of appeal. A motion for extension of time is necessarily implied when the perfecting instrument is filed within 15 days of its due date.

Verburgt v. Dorner, 959 S.W.2d 615, 617 (Tex. 1997). Appellant did not file a motion to extend time to file the notice of appeal. While an extension may be implied, appellant is still obligated to come forward with a reasonable explanation to support the late filing. See Miller v. Greenpark Surgery Center Assocs., Ltd., 974 S.W.2d 805, 808 (Tex. App.— Houston [14th Dist.]

1998, no pet.). Accordingly, we order appellant to file a proper motion to extend time to file the notice of appeal within ten (10) days of the date of this order. See Tex. R. App. P. 26.3;10.5(b). If appellant fails to do so, the appeal is subject to dismissal without further notice for want of jurisdiction. See Tex. R. App. P. 42.3(a). PER CURIAM Panel Consists of Justices Wise, Jewell, and Poissant.