

**COURT OF APPEALS OF TEXAS, FOURTEENTH COURT OF APPEALS**

**Woods MFI, LLC v. PlainsCapital Bank**

No. 14-16-00785-CV · No. No. 14-16-00785-CV · Decided January 5, 2017

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**SUMMARY**

The Fourteenth Court of Appeals ordered Woods MFI, LLC to file a motion explaining its late notice of appeal. The court noted that the notice was filed within 15 days after the deadline, permitting an implied extension request, but warned that failure to comply would result in dismissal.

**OPINION**

**PER CURIAM.**

Order filed January 5, 2017 In The Fourteenth Court of Appeals \_\_\_\_\_ NO. 14-16-00785-CV \_\_\_\_\_ WOODS MFI, LLC, Appellant V. PLAINSCAPITAL BANK, Appellee  
On Appeal from the 129th District Court Harris County, Texas Trial Court Cause No. 2016-01321  
ORDER This is an appeal from a judgment signed June 21, 2016. Appellant timely filed a post judgment motion.

The notice of appeal was due September 19, 2016. See Tex. R. App. P. 26.1. Appellant, however, filed its notice of appeal on September 28, 2016, 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 by January 15, 2017. See Tex. R. App. P. 26.3;10.5(b). If appellant does not comply with this order, we will dismiss the appeal. See Tex. R. App. P. 42.3. PER CURIAM 2