

**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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**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. *Verburt 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