

Opinion filed March 15, 2012



In The

Eleventh Court of Appeals

No. 11-11-00369-CV

**CORGILL ENTERPRISES, INC. D/B/A
BEE GEE CONSTRUCTION, Appellant**

V.

PERRY L. BERRYHILL, Appellee

On Appeal from the 161st District Court

Ector County, Texas

Trial Court Cause No. B-124,295-A

MEMORANDUM OPINION

This is an appeal from a final judgment signed on July 6, 2011. Appellant, Corgill Enterprises, Inc. d/b/a Bee Gee Construction, timely filed a motion for new trial on August 5, 2011. TEX. R. CIV. P. 329b(a). In order to have timely perfected the appeal, appellant was required to file the notice of appeal on or before October 4, 2011. TEX. R. APP. P. 26.1(a)(1). Appellant did not file its notice of appeal until December 21, 2011. Accordingly, the notice of appeal is untimely. We dismiss the appeal.

A clerk's record has not been filed in this court. However, the trial court clerk's office forwarded a docketing statement setting out the filing dates of the relevant documents along with a copy of the notice of appeal. When the docketing statement was received in this court, the clerk of this court wrote the parties on December 27, 2011, informing them that it appeared that the notice of appeal was untimely. The clerk's letter requested appellant to provide a written response on or before January 11, 2012, showing grounds for continuing this appeal. The clerk's letter further advised appellant that the appeal may be dismissed absent a reasonable explanation for the untimely notice of appeal. There has been no response to our letter of December 27, 2011.¹

Absent a timely notice of appeal, a timely motion to extend time, or the proper showing of compliance with the good-faith requirement of *Verburgt v. Dorner*, 959 S.W.2d 615 (Tex. 1997), the appellate jurisdiction of this court is not invoked. Appellant has not met any of these requirements. Therefore, this appeal is dismissed for want of jurisdiction.

PER CURIAM

March 15, 2012

Panel consists of: Wright, C.J.,
McCall, J., and Kalenak, J.

¹Additionally, the clerk directed appellant in another letter dated December 27, 2011, to forward the filing fee in this case on or before January 11, 2012. Appellant has not done so as of the date of this opinion.