

Dismissed and Opinion Filed February 23, 2017



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-16-01057-CV

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**REBECCA TOOMER, Appellant**

**V.**

**ARNS INVESTMENTS LLC, Appellee**

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**On Appeal from the County Court at Law No. 5**  
**Dallas County, Texas**  
**Trial Court Cause No. CC-16-04167-E**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Myers, and Justice Stoddart  
Opinion by Chief Justice Wright

Although cautioned that failure to pay the filing fee, file the docketing statement, and pay the clerk's fee so the clerk's record could be filed would result in dismissal of the appeal, appellant has taken no action to prosecute this appeal since filing the notice of appeal September 1, 2016. Having been informed by the Dallas County Clerk that appellant is not indigent, we dismiss this appeal. *See* TEX. R. APP. P. 5; 37.3(b); 42.3(b), (c).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

REBECCA TOOMER, Appellant

No. 05-16-01057-CV      V.

ARNS INVESTMENTS LLC, Appellee

On Appeal from the County Court at Law  
No. 5, Dallas County, Texas  
Trial Court Cause No. CC-16-04167-E.  
Opinion delivered by Chief Justice Wright,  
Justices Myers and Stoddart participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee ARNS Investments, LLC recover its costs, if any, of this appeal from appellant Rebecca Toomer.

Judgment entered February 23, 2017.