

Dismissed and Memorandum Opinion filed June 24, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00212-CV

DOV AVNI KAMINETZKY A/K/A DOV K. AVNI, Appellant

V.

**FROST NATIONAL BANK OF SAN ANTONIO TEXAS F/K/A CULLEN
CENTER BANK & TRUST, SUSAN RACQUEL SCHAFER, CYNTHIA
VICTORIA LENTINO, AND MARIA RACQUEL LENTINO, Appellees**

**On Appeal from the 61st District Court
Harris County, Texas
Trial Court Cause No. 1999-09390**

MEMORANDUM OPINION

This is an attempted appeal from a judgment signed July 31, 2009. Appellant's notice of appeal was filed February 27, 2010.

The notice of appeal must be filed within thirty days after the judgment is signed when appellant has not filed a timely motion for new trial, motion to modify the judgment, motion to reinstate, or request for findings of fact and conclusion of law. *See* Tex. R. App. P. 26.1.

Appellant's notice of appeal was not filed timely. A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18 (1997) (construing the predecessor to Rule 26). Appellant's notice of appeal was not filed within the fifteen-day period provided by rule 26.3

On June 2, 2010, appellees filed a motion to dismiss the appeal for want of jurisdiction. Appellant filed no response.

The court, having determined it lacks jurisdiction over the appeal, orders the appeal dismissed.

PER CURIAM

Panel consists of Justices Anderson, Frost, and Seymore.