



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-09-223-CV

HOWARD ROSENSTEIN

APPELLANT

V.

BETH POULOS

APPELLEE

FROM THE 231ST DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

On August 11, 2009, we notified appellant that the trial court clerk responsible for preparing the record in this appeal had informed this court that arrangements had not been made to pay for the clerk's record as required by Texas Rule of Appellate Procedure 35.3(a)(2). *See* Tex. R. App. P. 35.3(a)(2). We stated that we would dismiss the appeal for want of prosecution unless appellant, within fifteen days, made arrangements to pay for the clerk's record

¹ [...](#) *See* Tex. R. App. P. 47.4.

and provided this court with proof of payment.

Because appellant has not made payment arrangements for the clerk's record, it is the opinion of the court that the appeal should be dismissed for want of prosecution. Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 37.3(b), 42.3(b), 43.2(f).

Appellant shall pay all costs of the appeal, for which let execution issue.

PER CURIAM

PANEL: MCCOY, J.; CAYCE, C.J.; and MEIER, J.

DELIVERED: September 10, 2009