

NO. 07-03-0448-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
NOVEMBER 12, 2003

TONY ORMS

Appellant

v.

ANNETTE JOHNSON

Appellee

FROM THE COUNTY COURT AT LAW NO. 2 OF ANGELINA COUNTY;
NO. 12854; HON. BARRY BRYAN, PRESIDING

Before JOHNSON, C.J., and QUINN and REAVIS, JJ.

MEMORANDUM OPINION

Appellant Tony Orms filed a notice of appeal on September 22, 2003. However, he did not pay the \$125 filing fee required from appellants pursuant to Texas Rule of Appellate Procedure 5. Nor did he file an affidavit pursuant to Texas Rule of Appellate Procedure 20.1 relieving appellants of their duty to pay the fee. By letter from this Court dated October 31, 2003, we informed appellant that "the filing fee of \$125.00 has not been received. Said fee is due to be filed no later than November 10, 2003. Failure to pay the

filing fee may result in the appeal being subject to dismissal.” TEX. R. APP. P. 42.3(c); see *Holt v. F. F. Enterprises*, 990 S.W.2d 756 (Tex. App.--Amarillo 1998, pet. ref'd). October 10th lapsed without the fee being paid.

Consequently, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam