

NO. 07-04-0592-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
FEBRUARY 11, 2005

MICHAEL DEARDORFF, KATHY DEARDORFF AND BETTY J. DEARDORFF,

Appellants

V.

LUBBOCK NATIONAL BANK,

Appellee

FROM THE 99th DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2004-527,809; HON. MACKEY K. HANCOCK, PRESIDING

MEMORANDUM OPINION

Before QUINN, REAVIS and CAMPBELL, JJ.

Appellants Michael Deardorff, Kathy Deardorff and Betty J. Deardorff (the Deardorffs) filed a notice of appeal on December 27, 2004. The clerk's and reporter's records were due on January 6, 2005. To date, no clerk's or reporter's records have been received. On January 31, 2005, the clerk filed a request for extension of time to file the record, stating that "appellant has not paid or made arrangements to pay for the record." On January 31, 2005, the Deardorffs were directed by letter to provide this court with proof

that they either paid for the record or made satisfactory arrangements for payment of the record on or before February 10, 2005. So too were they told that the failure to comply with the court's directive would result in dismissal. The deadline lapsed, and we received nothing from the Deardorffs illustrating that payment for the clerk's record has been made to or arrangements for its payment have been made with the clerk.

Because the Deardorffs failed to comply with our January 31st directive, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(b) and (c).

Per Curiam