

NO. 07-09-0130-CV

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL B

MAY 13, 2009

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JERRY MAX LEWIS AND NEVA JANE LEWIS,

Appellants

v.

W.T. CONSTRUCTION, INC., TERRY TURKETT,  
C.J. TURKETT AND TERRY TURKETT, JR.,

Appellees

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FROM THE 46<sup>TH</sup> DISTRICT COURT OF HARDEMAN COUNTY;

NO. 10,039; HON. DAN MIKE BIRD, PRESIDING

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***Order of Dismissal***

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellants Jerry Max Lewis and Neva Jane Lewis filed a notice of appeal on April 23, 2009. However, they did not pay the \$175 fee required from appellants under Texas Rule of Appellate Procedure 5. Nor did they file an affidavit of indigence per Texas Rule of Appellate Procedure 20.1. By letter from this Court dated April 27, 2009, we informed them that “the filing fee in the amount of \$175.00 has not been paid . . . . Failure to pay the filing fee within ten (10) days from the date of this notice may result in a 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). The deadline lapsed, and the fee was not received.

Because appellants have failed to pay the requisite filing fee as directed by the Court, we dismiss their attempt to appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam