



**IN THE
TENTH COURT OF APPEALS**

No. 10-15-00142-CV

DAVID MILLISON,

Appellant

v.

ROBIN MCGLYNN AND W. TODD MCGLYNN,

Appellees

**From the 40th District Court
Ellis County, Texas
Trial Court No. 87208**

MEMORANDUM OPINION

Appellant presented a notice of appeal regarding a trial court order or judgment signed on May 20, 2015. By letter dated July 8, 2015, the Clerk of this Court notified appellant that the docketing statement was past due and must be filed within 21 days from the date of the letter. No docketing statement was received and filed. By letter dated August 17, 2015, the Clerk of this Court warned appellant that the appeal would be dismissed without further notification unless, within 14 days from the date of the

letter, a docketing statement was filed. Again, no docketing statement was received and filed.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.3(b).

Absent a specific exemption, the Clerk of the Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX. R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). *See also* TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. § 51.207(b); § 51.941(a) (West 2005); and § 51.208 (West Supp. 2011). Under these circumstances, we suspend the rule and order the Clerk to write off all unpaid filing fees in this case. TEX. R. APP. P. 2. The write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed September 10, 2015
[CV06]

