



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-18-00139-CV**

**HARVIE E. CHESHIRE,**

**Appellant**

**v.**

**BAYVIEW LOAN SERVICING, LLC,**

**Appellee**

**From the 40th District Court  
Ellis County, Texas  
Trial Court No. 98121**

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**MEMORANDUM OPINION**

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Harvie E. Cheshire attempts to appeal a claim from Bayview Loan Servicing, LLC, regarding a note between Cheshire's mother and Bayview. The clerk of this Court notified Cheshire by letter dated May 2, 2018 that the appeal was subject to dismissal because it appeared the trial court had not issued any order or judgment in the underlying case. Cheshire was warned that the Court would dismiss the appeal unless, within 14 days from the date of the letter, a response was filed explaining why this Court has jurisdiction over this appeal. More than 14 days have passed and Cheshire has not

responded.

Accordingly, this appeal is dismissed for want of jurisdiction. TEX. R. APP. P. 42.3(a).

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); 51.208; § 51.941(a) (West 2013). 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.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed May 23, 2018  
[CV06]

