



**IN THE
TENTH COURT OF APPEALS**

No. 10-19-00327-CV

BILLY R. HIGH AND TRACI HIGH-WARD,

Appellants

v.

COUNTY OF FREESTONE,

Appellee

**From the 77th District Court
Freestone County, Texas
Trial Court No. 14-016-A**

MEMORANDUM OPINION

Appellants Billy R. High and Traci High-Ward filed their notice of appeal in this case on September 17, 2019, stating that they are appealing from the trial court's February 9, 2017 judgment. The notice of appeal, however, is untimely; it must have been filed within thirty days after the judgment was signed, TEX. R. APP. P. 26.1, and any motion for extension of time to file the notice of appeal must have been filed within fifteen days after the deadline for filing the notice of appeal, *see id.* R. 26.3.

By letter dated September 24, 2019, the Clerk of this Court notified Appellants that this appeal was subject to dismissal for want of jurisdiction because it appeared that their notice of appeal was untimely. The Clerk of this Court notified Appellants that the Court may dismiss the appeal unless, within ten days from the date of the letter, Appellants showed grounds for continuing the appeal. Appellants have not done so.

Because our jurisdiction depends on a timely notice of appeal and because Appellants' notice of appeal is untimely, we dismiss this appeal for want of jurisdiction. *See id.* R. 42.3(a); *Howlett v. Tarrant Cty.*, 301 S.W.3d 840, 843 (Tex. App. – Fort Worth 2009, pet. denied) (“A timely-filed notice of appeal confers jurisdiction on this court, and absent a timely filed notice of appeal, we must dismiss the appeal.” (citing *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997))). Appellants' Request for Appellate Court to Take Judicial Notice, filed on October 7, 2019, is therefore also dismissed.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill

Dismissed

Opinion delivered and filed October 23, 2019

[CV06]

