



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-22-00298-CV**

**MICHAEL W. BALLARD,**

**Appellant**

**v.**

**HEATHER M. VASKE,**

**Appellee**

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**From the 413th District Court  
Johnson County, Texas  
Trial Court No. DC-C201900138**

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**MEMORANDUM OPINION**

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Michael Ballard filed suit against Heather Vaske seeking a declaratory judgment for title to a piece of property in Johnson County. After a hearing on April 27, 2022, the trial court declined to quiet title to the property as requested by Ballard. Ballard filed a motion that the trial court construed as a motion for rehearing, and the trial court held a

hearing on that motion. The trial court declined Ballard's requested relief and signed the judgment on July 21, 2022.

Ballard filed a notice of appeal in this Court on September 12, 2022. By letter dated September 16, 2022, the Clerk of this Court notified Ballard that the appeal was subject to dismissal because it appears that the notice of appeal was untimely. *See* TEX. R. APP. P. 26.1. The Clerk warned Ballard that the appeal would be dismissed unless, within 14 days of the date of this letter, a response was filed showing grounds for continuing the appeal.

Ballard filed a response in which he states that he did not receive the final judgment until August 14, 2022. The notice of appeal was required to be filed within 30 days from the date the judgment was signed on July 21, 2022. TEX. R. APP. P. 26.1. A motion for extension of time is implied when an appellant acting in good faith files a notice of appeal within the next 15 days after the notice of appeal is due. *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Ballard's notice of appeal was not filed within 30 days of the judgment being signed or within the next 15 days.

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

STEVE SMITH  
Justice

Before Chief Justice Gray,  
Justice Johnson, and  
Justice Smith

Dismissed

Opinion delivered and filed October 12, 2020

[CV06]

