

NO. 12-09-00407-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

**DEBRA JANE HUETT,
APPELLANT**

§ APPEAL FROM THE 3RD

V.

§ JUDICIAL DISTRICT COURT OF

**CHARLES HODGES, HODGES SURVEYING,
WILLIAM PEMBERTON, JOHN L. BILLINGSLEY
LOGGING, LLC, JOHN L. BILLINGSLEY TRUCKING,
LLC, JOHN L. BILLINGSLEY INVESTMENT, LLC,
JOHN L. BILLINGSLEY, JOE BILLINGSLEY, LES
CHAMBERS, MARTHA MINGLE-HO, TIM
NORLAND, RAY NEUER, JOE GARNETT, § HOUSTON COUNTY, TEXAS
SHEEHY, SERPE AND WARE, PC, MARK
CALHOON, JERRY CALHOON, MARILYN ROAF,
JOHN OVARD, GEORGE COWART, SANDY
HUGHES, CAROLYN RAINS, ANGELA DION
AND PATTY GEORGE, APPELLEES**

**MEMORANDUM OPINION
PER CURIAM**

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3.

The clerk's record in this appeal was due to have been filed on or before December 4, 2009. On December 2, 2009, Huett was notified that the district clerk had requested an extension of time for filing the clerk's record stating that the reason for the delay was due to nonpayment of the required preparation fee. Huett was informed that the appeal would be presented to the court for dismissal unless proof of full payment to the clerk was provided to this court no later than December 14, 2009.

The date for providing proof of payment for the clerk's record has passed, and Huett has not complied with the court's request or otherwise responded to this court's December 2, 2009 notice. Because Huett has failed, after notice, to comply with this court's notice, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered December 16, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

