

**NO. 12-11-00013-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*DAN J. SIMPSON AND,* § *APPEAL FROM THE 241ST*  
*DANIELLE T. SIMPSON,*  
*APPELLANTS*

*V.* § *JUDICIAL DISTRICT COURT*

*LINDALE STATE BANK,* § *SMITH COUNTY, TEXAS*  
*APPELLEE*

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***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(c). The judgment in this case was signed on December 16, 2010. Appellants timely filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On January 14, 2011, Appellants were notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with rules 9.5 and 25.1(e). They were further notified that unless they filed an amended notice of appeal on or before February 14, 2011, the appeal would be referred to the court for dismissal. *See* TEX. R. APP. P. 42.3(c). The deadline for filing an amended notice of appeal has passed, and Appellants have not corrected their defective notice of appeal. Accordingly, the appeal is *dismissed* for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c); *Feist v. Berg*, No. 12-04-00004-CV, 2004 WL 252785, at \*1 (Tex. App.–Tyler Feb. 11, 2004, pet. denied); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at \*1 (Tex. App.–Tyler Feb. 11, 2004, pet. denied).

Opinion delivered February 16, 2011.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)