

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

DAN ARTHUR MASK, § *APPEAL FROM THE THIRD*
FRANK E. MASK, III, BEN L. MASK,
LELA J. MASK-VICTOR
AND JAMES C. MASK,
APPELLANTS

V. § *JUDICIAL DISTRICT COURT*

CAROLYN ODUMS, MAXIE MCKENTIE,
THELMA HIGH, FAYE DIGHTMAN,
GWENDOLYN PURVEY AND
MOTRICE MCKENTIE, JR.,
APPELLEES § *HOUSTON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellants perfected their appeal on February 15, 2011. The clerk's record was filed on March 21, 2011, and Appellants' brief was due on or before May 20, 2011, after the granting of an extension. When Appellants failed to file their brief by May 20, 2011, this court notified Appellants on May 24, 2011, that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by May 31, 2011, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). Further, the notice informed Appellants that the motion for extension of time must contain a reasonable explanation for their failure to file the brief and a showing that Appellees had not suffered material injury thereby.

To date, Appellants have not complied with this court's May 24, 2011 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered June 30, 2011.

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

(PUBLISH)