

**NO. 12-11-00170-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***MICHAEL FRY,  
APPELLANT***

§

***APPEAL FROM THE 114TH***

***V.***

§

***JUDICIAL DISTRICT COURT***

***LIBERTY MISSIONARY BAPTIST  
CHURCH, MARK HOOD, SR.,  
AND SHANNA COLE,  
APPELLEES***

§

***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for failure, after notice, to provide proof of payment for the clerk's record. TEX. R. APP. P. 42.3(c). The trial court signed its judgment on April 26, 2011, and after an extension of time, the clerk's record was due on September 28, 2011. The district clerk filed a motion to further extend the time for filing the clerk's record. In that motion, the clerk informed the court that Appellant had failed to pay for the preparation of the clerk's record and had not made any arrangement to pay for the record. The clerk also stated that Appellant is not entitled to appeal without paying the fee. On September 21, 2011, the court extended the time for filing the clerk's record to October 20, 2011. Appellant was also notified that the appeal would be dismissed unless, on or before October 3, 2011, he provided this court with proof of full payment for the clerk's record. The October 3 deadline has now passed, and Appellant has failed to provide proof of full payment for the clerk's record. Accordingly, Appellant's appeal is ***dismissed*** pursuant to Texas Rule of Appellate Procedure 42.3(c).

Opinion delivered October 12, 2011.

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

(PUBLISH)