

NO. 12-16-00258-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***SHERRY LYNN BADALICH AND
CARL BADALICH,
APPELLANTS***

§ ***APPEAL FROM THE 402ND***

V.

§ ***JUDICIAL DISTRICT COURT***

***FIRST NATIONAL BANK OF
WINNSBORO,
APPELLEE***

§ ***WOOD COUNTY, TEXAS***

***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 June 21, 2016, and Appellants filed a motion for new trial. On September 15, 2016, Appellants timely filed a notice of appeal. The notice of appeal failed to contain a certificate showing service on all parties to the trial court's judgment. *See* TEX. R. APP. P. 9.5, 25.1(e).

On September 15, 2016, 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 October 17, 2016, 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) (mem. op.); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.—Tyler Feb. 11, 2004, pet. denied) (mem. op.).

Opinion delivered October 21, 2016.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 21, 2016

NO. 12-16-00258-CV

SHERRY LYNN BADALICH AND CARL BADALICH,
Appellants
V.
FIRST NATIONAL BANK OF WINNSBORO,
Appellee

Appeal from the 402nd District Court
of Wood County, Texas (Tr.Ct.No. 2013-294)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.