

Opinion filed May 17, 2018



In The
Eleventh Court of Appeals

No. 11-01-00127-CV

BOBBY DANE, Appellant
V.
BRENDA CHAVERS, Appellee

On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. 99-1310-E

MEMORANDUM OPINION

In 2001, Appellee, Brenda Chavers, filed in this court a notice of bankruptcy, and we abated this appeal. *See* TEX. R. APP. P. 8.1, 8.2. Over the years, we have requested that the parties inform this court of the resolution of the bankruptcy proceedings or any other event that would allow this appeal to be reinstated. *See* TEX. R. APP. P. 8.3. In April 2018, we received a response from counsel for the parties.

Appellee’s counsel informed this court that Appellee’s bankruptcy proceeding was closed in 2002; that Appellant, Bobby Dane, appeared on the list of creditors; and that Appellant did not file a “dischargeability complaint.”¹ Appellant’s counsel informed this court that she was unable to contact her former client and that she believed that he may be deceased. Due to the fact that the bankruptcy proceeding has long since been closed and the fact that Appellant has not attempted to prosecute this appeal, we have determined that a dismissal of the appeal is appropriate under the circumstances. *See* TEX. R. APP. P. 42.

Accordingly, we dismiss this appeal.

PER CURIAM

May 17, 2018

Panel consists of: Willson, J.,
Bailey, J., and Wright, S.C.J.²

¹We note that a discharge in the bankruptcy proceeding would moot this appeal. *See Chae v. Schneider*, 244 S.W.3d 425, 427 (Tex. App.—Eastland 2007, no pet.).

²Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.