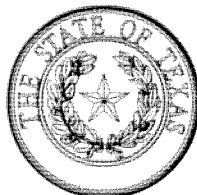


Dismissed and Opinion Filed February 6, 2013



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-12-00716-CV

**TMV L.L.C. D/B/A TRIUNE, Appellant
V.
PERMANENT BUILDING SYSTEMS, INC., Appellee**

**On Appeal from the 193rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-09-16331**

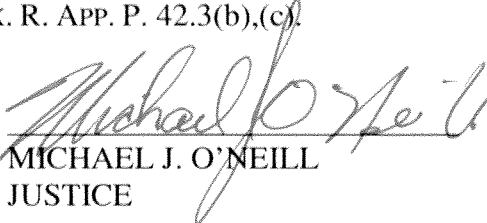
MEMORANDUM OPINION

Before Justices Bridges, O'Neill, and Murphy
Opinion by Justice O'Neill

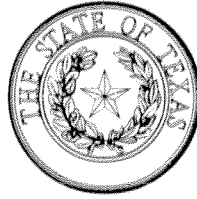
By letter dated May 29, 2012, we notified appellant the \$175 filing fee in this case was due. We cautioned appellant that failure to file the fee within ten days would result in dismissal of the appeal. By letter dated August 28, 2012, we informed appellant that the Dallas County District Clerk's Office had notified us that the clerk's record had not been filed in this case because appellant had not paid the clerk's fee for the record. We directed appellant to, within ten days, file verification of payment or written documentation that appellant is entitled to proceed without payment of costs. We cautioned appellant that failure to file the required documentation might result in dismissal of the appeal for want of prosecution. To date, appellant has not paid the filing fee, provided verification that it has paid for the clerk's record, provided written

documentation that it is entitled to proceed without payment of costs, or otherwise corresponded with the Court regarding the status of this appeal.

Therefore, we dismiss this appeal. *See* TEX. R. APP. P. 42.3(b),(c).


MICHAEL J. O'NEILL
JUSTICE

120716F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TMV L.L.C. D/B/A TRIUNE, Appellant

No. 05-12-00716-CV V.

PERMANENT BUILDING SYSTEMS,
INC., Appellee

On Appeal from the 193rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-09-16331.

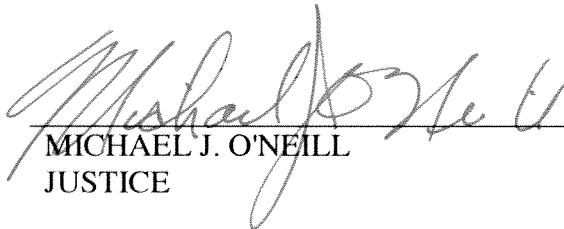
Opinion delivered by Justice O'Neill.

Justices Bridges and Murphy participating.

In accordance with this Court's opinion of this date, this appeal is **DISMISSED**.

It is **ORDERED** that appellee PERMANENT BUILDING SYSTEMS, INC. recover its costs of this appeal from appellant TMV L.L.C. D/B/A TRIUNE.

Judgment entered this 6th day of February, 2013.


MICHAEL J. O'NEILL
JUSTICE