



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-00994-CV

KAREY FAY TOTTEN AND KATHY LYNN TOTTEN, Appellants

V.

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
AS NOMINEE FOR RESMAE MORTGAGE CORPORATION,
RESMAE MORTGAGE CORPORATION, QUANTUM SERVICING CORPORATION,
WATERFALL VICTORIA MASTER FUND LIMITED, AND
FIRST OPTION MORTGAGE, Appellees**

**On Appeal from the 59th Judicial District Court
Grayson County, Texas
Trial Court Cause No. CV-10-2002**

MEMORANDUM OPINION

Before Justices Moseley, Fillmore, and Myers
Opinion By Justice Moseley

Before the Court is appellees' motion to dismiss the appeal. Appellees contend the Court should dismiss the appeal for want of prosecution.

Appellants' brief was due on August 9, 2012. By letter dated August 15, 2012, the Court informed appellants that their brief was past due. The Court cautioned appellants that if they failed to file a brief with an extension motion within ten days, the appeal would be dismissed. As of today's date, appellant has not filed a brief, a motion for extension, or a response to appellees'

motion to dismiss. Accordingly, we grant appellees' motion and dismiss the appeal. *See* TEX. R. APP. P. 38.8(a)(1) & 42.3(b) & (c).

JIM MOSELEY
JUSTICE

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

JUDGMENT

KAREY FAY TOTTEN AND KATHY
LYNN TOTTEN, Appellants

No. 05-12-00994-CV V.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., AS
NOMINEE FOR RESMAE MORTGAGE
CORPORATION, RESMAE MORTGAGE
CORPORATION, QUANTUM SERVICING
CORPORATION, WATERFALL VICTORIA
MASTER FUND LIMITED, AND FIRST
OPTION MORTGAGE, Appellees

Appeal from the 59th Judicial District Court
of Grayson County, Texas. (Tr.Ct.No. CV-10-
2002).

Opinion delivered by Justice Moseley,
Justices Fillmore and Myers, participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellees, Mortgage Electronic Registration Systems, Inc., as Nominee for Resmae Mortgage Corporation, Resmae Mortgage Corporation, Quantum Servicing Corporation, Waterfall Victoria Master Fund Limited, and First Option Mortgage, recover their costs of the appeal from appellants, Karey Fay Totten and Kathy Lynn Totten.

Judgment entered October 2, 2012.

/Jim Moseley/
JIM MOSELEY
JUSTICE