

**DISMISS; Opinion issued March 7, 2013**



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

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**No. 05-12-01017-CV**

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**KRISTY SMITH, Appellant  
v.  
ESTAVIOUS SMITH, Appellee**

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**On Appeal from the 255th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-10-03937**

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**MEMORANDUM OPINION**

Before Chief Justice Wright and Justices Lang-Miers and Lewis  
Opinion by Chief Justice Wright

By letter dated July 24, 2012, we notified appellant the \$175 filing fee was due in this case. We cautioned appellant that failure to pay the fee within ten days would result in the dismissal of this appeal. Also by letter dated July 24, 2012, we notified appellant that the district clerk's office had informed the Court that the clerk's record had not been filed because appellant had not paid the fee for the clerk's record. We directed appellant to provide this Court with either written verification that she had paid for the clerk's record or written verification that she was entitled to proceed without payment of costs. We cautioned appellant that if the Court did not receive the required documentation within ten days we might dismiss the appeal for want of prosecution. To date, appellant has not paid the filing fee, provided verification of payment for

the clerk's record, provided verification that she is entitled to proceed without payment of costs, or otherwise corresponded with the Court regarding the status of this appeal.

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

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

121017F.P05



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

**JUDGMENT**

KRISTY SMITH, Appellant

No. 05-12-01017-CV      V.

ESTAVIOUS SMITH, Appellee

On Appeal from the 255th Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DF-10-03937.

Opinion delivered by Chief Justice Wright.

Justices Lang-Miers and Lewis participating.

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

It is **ORDERED** that appellee ESTAVIOUS SMITH recover his costs of this appeal from appellant KRISTY SMITH.

Judgment entered March 7, 2013.

/Carolyn Wright/

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CAROLYN WRIGHT

CHIEF JUSTICE