

Dismiss and Opinion Filed October 28, 2014



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-14-00859-CV

THERESA BARNETT, Appellant

V.

DAVID S. CROCKETT AND DAVID S. CROCKETT & CO., Appellees

On Appeal from the 116th Judicial District Court
Dallas County, Texas
Trial Court Cause No. 10-00136

MEMORANDUM OPINION

Before Justices Bridges, Lang, and Evans
Opinion by Justice Lang

By opinion dated September 12, 2014, we affirmed the trial court's order sustaining two contests to appellant's affidavit of inability to pay and ordered appellant to pay, or make arrangements to pay, for the appellate record no later than October 2, 2014. *See Barnett v. Crockett*, No. 05-14-00859-CV, slip op. at 5 (Tex. App.--Dallas Sept. 12, 2014, no pet.) (mem. op.), available at <http://www.search.txcourts.gov/Case.aspx?cn=05-14-00859-CV>. We further ordered appellant to file, no later than October 7, 2014, written verification she had complied with our order. *Id.* We cautioned appellant that failure to pay for the reporter's record would result in the appeal being submitted without that record and failure to pay for the clerk's record would result in dismissal of the appeal without further warning. *Id.*; *see also* TEX. R. APP. P. 37.3(b),(c), 42.3(b),(c). To date, appellant has not filed the requested verification, and nothing in

our records reflect the record fees have been paid. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 37.3(b), 42.3(b),(c).

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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

JUDGMENT

THERESA BARNETT, Appellant

No. 05-14-00859-CV V.

DAVID S. CROCKETT AND DAVID S.
CROCKETT & CO., Appellees

On Appeal from the 116th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. 10-00136.

Opinion delivered by Justice Lang. Justices
Bridges and Evans participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellees David S. Crockett and David S. Crockett & Co. recover their costs, if any, of this appeal from appellant Theresa Barnett.

Judgment entered this 28th day of October, 2014.