

DISMISS and Opinion Filed October 12, 2015.



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

No. 05-15-00942-CV

**CHRISTOPHER KOLLACK AND DOUGLASS F. ATKINSON, Appellants
V.
CALIBER HOME LOANS, INC. AND THE BANK OF NEW YORK MELLON,
AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1, Appellees**

**On Appeal from the 134th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-05965**

MEMORANDUM OPINION

Before Justices Bridges, Francis, and Myers
Opinion by Justice Myers

Appellants appeal from a summary judgment in favor of appellees. In a letter dated September 23, 2015, the Court questioned its jurisdiction over the appeal because it appeared the notice of appeal was untimely. We instructed appellants to file a letter brief, by October 5, 2015, addressing our jurisdictional concern and cautioned them that failure to do so may result in dismissal of the appeal without further notice. Appellants did not file a letter brief.

In the absence of a timely filed post-judgment motion extending the appellate timetable, a notice of appeal is due thirty days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1. In the absence of a timely notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the judgment on May 6, 2015. Appellants did not file a timely post-judgment motion that extended the appellate timetable. Accordingly, the notice of appeal was due on June 5, 2015. *See* TEX. R. APP. P. 26.1. Appellants filed a notice of appeal on August 4, 2015, sixty days past the deadline. Because appellants failed to timely file a notice of appeal, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/Lana Myers/

LANA MYERS
JUSTICE



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

JUDGMENT

CHRISTOPHER KOLLACK AND
DOUGLASS F. ATKINSON, Appellants

No. 05-15-00942-CV V.

CALIBER HOME LOANS, INC. AND
THE BANK OF NEW YORK MELLON,
AS TRUSTEE FOR CIT MORTGAGE
LOAN TRUST 2007-1, Appellees

On Appeal from the 134th Judicial District
Court, Dallas County, Texas.
Trial Court Cause No. DC-14-05965.
Opinion delivered by Justice Myers.
Justices Bridges and Francis participating.

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

It is **ORDERED** that appellees CALIBER HOME LOANS, INC. AND THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 recover their costs of this appeal from appellants CHRISTOPHER KOLLACK AND DOUGLASS F. ATKINSON.

Judgment entered this 12th day of October, 2015.