

Opinion Filed March 14, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-00060-CV

BRIDGET PARSON, Appellant

V.

BECKY COLE, Appellee

On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-15-01563-B

**MEMORANDUM OPINION ON MOTION TO REVIEW ORDER
SUSTAINING CONTEST TO AFFIDAVIT OF INDIGENCE**

Before Chief Justice Wright, Justice Fillmore, and Justice Schenck
Opinion by Chief Justice Wright

Seeking to proceed in this appeal without prepayment of costs as contemplated under Texas Rule of Appellate Procedure 20.1, appellant has filed a motion for review of the trial court's order sustaining Dallas County Clerk John F. Warren's contest to her affidavit of indigence. *See* TEX. R. APP. P. 20.1(a),(j). The question before us is whether the record as a whole establishes the trial court abused its discretion in sustaining the contest. *See In re A.L.V.Z.*, 352 S.W.3d 568, 570 (Tex. App.—Dallas 2011, no pet.).

Appellant asserts she did not receive notice that a contest to her affidavit had been filed. The record before us, however, contains a certificate of service that the contest was served on her by certified mail the day it was filed. This is prima facie evidence of service. *See* TEX. R. CIV.

P. 21a(e). Although appellant could offer proof the document was not received, the record contains no such proof. *See id.* To the extent appellant asserts the trial court abused its discretion in sustaining the contest when she had no notice a contest had been filed, the record does not support her assertion. Accordingly, we deny the motion and affirm the trial court's order. *See* TEX. R. APP. P. 20.1(j).

Having denied the motion, we **ORDER** appellant to pay, or make arrangements to pay, for the clerk's and court reporter's records within twenty days of the date of this opinion. We further **ORDER** her to file, within twenty-five days of the date of this opinion, written verification that she has paid or made arrangements to pay for the record. We caution appellant that failure to pay for the reporter's record will result in this appeal being submitted without that record; failure to pay for the clerk's record will result in dismissal of this appeal without further warning. *See* Tex. R. App. P. 37.3(b),(c), 42.3(b),(c).

We **DIRECT** the Clerk of the Court to send a copy of this order to Mr. Warren; Lanetta J. Williams, Official Court Reporter of County Court at Law No.2; and the parties.

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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