

Dismissed; and Opinion Filed August 17, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00519-CV

COLLIN COUNTY APPRAISAL REVIEW BOARD, Appellant
V.
PARKWOOD 121 VILLAGE, LP, Appellee

On Appeal from the 429th Judicial District Court
Collin County, Texas
Trial Court Cause No. 429-02278-2015

MEMORANDUM OPINION

Before Justices Lang, Myers, and Stoddart
Opinion by Justice Lang

We questioned our jurisdiction over this appeal from the trial court’s February 10, 2017 judgment as the notice of appeal appeared to have been filed late. *See Garza v. Hibernia Nat. Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.) (timely filing of notice of appeal is jurisdictional). Collin County Appraisal Review Board (“ARB”) timely filed a motion for new trial, making the deadline for filing the notice of appeal May 11, 2017 or, with an extension motion under Texas Rule of Appellate Procedure 26.3, May 26, 2017. *See TEX. RS. APP. P.* 26.1(a), 26.3. The ARB filed its notice of appeal May 15, 2017, but did not file an extension motion. We gave the ARB an opportunity to file an extension motion and cautioned that the appeal could be dismissed if the motion was not filed. *See id.* 42.3(a). However, more

than ten days have passed, and no motion has been filed. Accordingly, we dismiss the appeal. *See id.*

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

170519F.P05



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

JUDGMENT

COLLIN COUNTY APPRAISAL REVIEW
BOARD, Appellant

No. 05-17-00519-CV V.

PARKWOOD 121 VILLAGE, LP, Appellee

On Appeal from the 429th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 429-02278-2015.
Opinion delivered by Justice Lang. Justices
Myers and Stoddart participating.

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

We **ORDER** appellee Parkwood 121 Village, LP recover its costs, if any, of this appeal from appellant Collin County Appraisal Review Board.

Judgment entered this 17th day of August, 2017.