

Dismissed and Opinion Filed January 29, 2018



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

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No. 05-17-01200-CV

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**ROBERT T. O' DONNELL, Appellant**  
**V.**  
**JULIA L. VARGO, Appellee**

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**On Appeal from the 380th Judicial District Court**  
**Collin County, Texas**  
**Trial Court Cause No. 380-50667-2013**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Evans, and Justice Brown  
Opinion by Chief Justice Wright

By letter dated December 13, 2017, we questioned our jurisdiction over this appeal as it appeared the notice of appeal was untimely. We instructed appellant to file, by December 28, 2017, a letter brief addressing our concern and cautioned him that failure to comply may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed a response.

Appellant challenges the trial court's August 4, 2017 order denying his motion to remove a receiver. An order denying a motion to vacate an order that appoints a receiver is an appealable interlocutory order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(2) (West Supp. 2017). Because an appeal from an interlocutory order is an accelerated appeal, the notice of appeal is

due twenty days after the date the order is signed. *See* TEX. R. APP. P. 28.1(a), 26.1(b). Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the appealed order on August 4, 2017. Although appellant filed a timely request for finding of facts and conclusions of law, such request does not extend the time to file an accelerated appeal. *See* TEX. R. APP. P. 28.1(b). Appellant filed a notice of appeal on October 17, 2017, fifty-four days past the deadline. For this reason, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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

**JUDGMENT**

ROBERT T. O' DONNELL, Appellant

No. 05-17-01200-CV      V.

JULIA L. VARGO, Appellee

On Appeal from the 380th Judicial District  
Court, Collin County, Texas

Trial Court Cause No. 380-50667-2013.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

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

It is **ORDERED** that appellee JULIA L. VARGO recover her costs of this appeal from appellant ROBERT T. O' DONNELL.

Judgment entered January 29, 2018.