

DISMISS and Opinion Filed October 30, 2020



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

No. 05-20-00874-CV

MOE HOSPITALITY, LLC, Appellant

V.

**SUMMIT HOSPITALITY 009, LLC, SUMMIT HOSPITALITY 039, LLC,
AND SUMMIT HOSPITALITY I, LLC, Appellees**

**On Appeal from the 471st Judicial District Court
Collin County, Texas
Trial Court Cause No. 471-00362-2020**

MEMORANDUM OPINION

Before Justices Molberg, Carlyle, and Browning
Opinion by Justice Molberg

The filing fee and clerk's record in this case are past due. By postcard dated October 5, 2020, we notified appellant that the \$205 filing fee was due. We directed appellant to remit the filing fee within ten days, expressly cautioning it that the failure to do so would result in dismissal of this this appeal. On October 9, 2020, we received a letter from the Collin County Clerk, informing the Court that the clerk's record had not been filed because appellant had not paid for the record. That same day, we directed appellant to provide verification of payment or arrangements to pay for the clerk's record or, if applicable, to provide written

documentation they had been found entitled to proceed without payment of costs. We cautioned appellant that if the Court did not receive the required documentation within ten days, the Court would dismiss the appeal for want of prosecution without further notice. To date, appellant has not paid the filing fee, provided the required documentation, or otherwise corresponded with the Court regarding the status of this appeal. Accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 37.3(b); 42.3(b), (c).

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/Ken Molberg//
KEN MOLBERG
JUSTICE



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

JUDGMENT

MOE HOSPITALITY, LLC,
Appellant

No. 05-20-00874-CV V.

SUMMIT HOSPITALITY 009, LLC,
SUMMIT HOSPITALITY 039, LLC,
AND SUMMIT HOSPITALITY I,
LLC, Appellees

On Appeal from the 471st Judicial
District Court, Collin County, Texas
Trial Court Cause No. 471-00362-
2020.

Opinion delivered by Justice Molberg.
Justices Carlyle and Browning
participating.

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

It is **ORDERED** that appellees SUMMIT HOSPITALITY 009, LLC,
SUMMIT HOSPITALITY 039, LLC, AND SUMMIT HOSPITALITY I, LLC
recover their costs of this appeal from appellant MOE HOSPITALITY, LLC.

Judgment entered this 30th day of October, 2020.