

**DISMISS and Opinion Filed September 23, 2022**



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

---

**No. 05-22-00567-CV**

---

**WENDELL REESE, Appellant**

**V.**

**BRECKENRIDGE PROPERTY FUND 2016, LLC, Appellee**

---

**On Appeal from the County Court at Law No. 2**

**Dallas County, Texas**

**Trial Court Cause No. CC-22-01588-B**

---

**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Goldstein  
Opinion by Chief Justice Burns

Appellee has filed a motion to dismiss this appeal based on appellant's failure to prosecute the appeal and comply with Court directives. As our case management system reflects, appellant filed the notice of appeal on June 9, 2022 and filed the required docketing statement on June 22, 2022, *see* TEX. R. APP. P. 32.1. He has taken no action since. He has failed to pay the Court's filing fee and fee for the clerk's record, although he indicated on the docketing statement that he had not filed a statement of inability to pay costs, *see id.* 5, 35.3(a)(2); he has not communicated with the reporter regarding the reporter's record and, despite being directed to file written verification with the Court that he has requested the reporter's record, has

failed to do so, *see id.* 34.1, 35.3(b)(2); he has not responded to appellee's motion, although more than ten days have passed since it was filed; and, he has not otherwise communicated with the Court.

Texas Rule of Appellate Procedure 42.3 provides for the involuntary dismissal of an appeal based on failure to prosecute or comply with a court order or directive. *See* TEX. R. APP. P. 42.3(b),(c). Accordingly, based on appellant's failure to pay required fees, comply with a Court directive, and otherwise communicate with the Court, we grant appellee's motion and dismiss the appeal. *See id.* 42.3(b),(c).

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

220567F.P05



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

**JUDGMENT**

WENDELL REESE, Appellant

No. 05-22-00567-CV      V.

BRECKENRIDGE PROPERTY  
FUND 2016, LLC, Appellee

On Appeal from the County Court at  
Law No. 2, Dallas County, Texas  
Trial Court Cause No. CC-22-01588-  
B.

Opinion delivered by Chief Justice  
Burns, Justices Molberg and  
Goldstein participating.

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

We **ORDER** that appellee Breckenridge Property Fund 2016, LLC recover its costs, if any, of this appeal from appellant Wendell Reese.

Judgment entered September 23, 2022