

Opinion issued April 24, 2008



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-08-00079-CV

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**THOMAS BENNETT, EXECUTOR OF THE ESTATE OF MYRTLE  
BENNETT, DECEASED, Appellant**

**V.**

**ARCHIE SEALS, INDEPENDENT EXECUTOR OF THE ESTATE OF  
JULIA MAE WARNER, DECEASED, Appellee**

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**On Appeal from the County Court  
Austin County, Texas  
Trial Court Cause No. 07PR8934**

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**MEMORANDUM OPINION**

Appellant, Thomas Bennett, Executor of the Estate of Myrtle Bennett, Deceased, has neither established indigence, nor paid or made arrangements to pay

the clerk's fee for preparing the clerk's record. *See* TEX. R. APP. P. 20.1 (listing requirements for establishing indigence), 37.3(b) (allowing dismissal of appeal if no clerk's record filed due to appellant's fault). After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 42.3(c) (allowing involuntary dismissal of case).

We dismiss the appeal for want of prosecution for failure to pay or make arrangements to pay the clerk's fee. We deny all pending motions.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Jennings and Bland.