

December 24, 2012

Victor A. Charles 1694469
2661 FM 2054
Tennessee Colony, Texas 758

M. Karrine McCullough, Clerk
First District Court of Appeals
for Texas
301 Fannin St.
Houston, Texas 77002

FILED IN
1ST DISTRICT COURT OF APPEALS
HOUSTON, TEXAS
DEC 31 2012
M KARRINE McCULLOUGH
CLERK

R.E: 01-12-00793-CV

Styled: In the Interest of J.M.H. A Child

Dear Clerk:

Please find enclosed, Appellant's Motion for Extension of Time, Verification, and Certificate of Service. Would you please ensure the appropriate court receive this document for review and consideration.

Thank you for your time and assistance.

Sincerely yours,

Victor A. Charles

Victor A. Charles
address above
Pro Se

CC: Child Support Division
V.C.
w/encls.

IN THE INTEREST
OF J.M.H.
A CHILD

§ IN THE FIRST DISTRICT COURT
§ OF APPEALS FOR TEXAS
§ IN HOUSTON, TEXAS

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RM KARINNE McCULLOUGH
CLERK

MOTION FOR EXTENSION OF TIME

To the Honorable Justice of Said Court:

Now comes, Victor Anthony Charles, Appellant, hereinafter Charles, by and through himself in the above ~~and~~ numbered and entitled cause and files this motion for extension of time, in support Charles submits the following;

Procedural History

On or about November 21, 2012, Charles received notice from the clerk of this court the clerk's record had been filed with this court.,

On November 25, 2012, Charles filed his Motion for the clerk's record and further notified this court in said motion that as of November 25, 2012, Charles had not been notified of the trial court's decision in regards to the contest filed by the Harris County District Clerk's office contesting Charles' status as indigent. In addition to this issue, the Harris County District clerk's office filed their contest on August 24, 2012, and Charles filed his reply on August 28, 2012.

On November 27, 2012, this court issued an order for Charles to pay the appellate filing fee and make arrangements with the district clerk's office for the reporter's record and clerk's record with 30 days of the order or the appeal will be dismissed.

On December 3, 2012, Charles filed an Out of Time Motion to Challenge the Contest with this court and further advising this court that Charles never received notice that the contest may have been sustained by the trial court.

II

In light of the aforementioned, Charles requests for the court to extend the time Charles has to obtain the clerk's record by 30 days. Charles also requests for the court to extend the time Charles has to obtain the reporter's record, if any, by 30 days.

III

Charles further asserts the trial court has a pattern of failing to notify Charles.

Moreover, Charles was never served with summons and citation in cause number 2011-67740, which is the issue Charles will raise on appeal and the 309th District Court of Harris County, Texas does not have jurisdiction to enter an Order of default judgment against Charles. A review of the clerk's record will show Charles was never properly served with summons and citation in said cause.

If this court finds Charles assertion is validated by the clerk's record, then this court may reverse the district court's Order for default judgment against Charles in the interest of justice, judicial resources, and 37.3 (c) of the Texas Rules of Appellate Procedures.

In the event the court determines further proceeds are necessary then Charles requests for the Court to Order the clerk of this court to submit a copy of the clerk's record. In addition, Charles also be provided with a copy of the reporter's record, if any.

PRAYER

WHEREFORE, Premises Considered, Charles respectfully moves the Court to Grant this motion and make additional Orders as the Court deems appropriate and just.

Respectfully Submitted,

Victor A. Charles

Victor A. Charles

1694469

2661 FM 2054

Tennessee Colony, Texas 75861

Pro Se

VERIFICATION

I, Victor A. Charles, hereby verify under the penalty of perjury the foregoing is true and correct to the best of my knowledge. V.T.C.A. Civ. Prac. and Remedies Code §§ 132.001-132.003 (2012).

CERTIFICATE OF SERVICE

I further certify a copy of the foregoing was forwarded by First Class U.S. Mail, pre-paid postage addressed to the following:

Attorney of General of Texas
Child Support Division
Ms. Sanjuana De Leon
2636 South Loop West, Suite 200
Houston, Texas 77054

EXECUTED On the 24th day of December 2012.



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Tennessee Colony, Texas 75861
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Clerk of Appeals
First District Court of Appeals
for Texas
301 Fannin St. 77002
Houston, Texas



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M. KARINNE HCCULL
CLERK OF THE COURT