

Opinion issued June 5, 2014.



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-01085-CV

ROSE AIR, LLC, Appellant

V.

**BRAZORIA COUNTY APPRAISAL DISTRICT AND CHERYL EVANS,
IN HER CAPACITY AS CHIEF APPRAISER, Appellees**

On Appeal from the 412th District Court
Brazoria County, Texas
Trial Court Case No. 71172

MEMORANDUM OPINION

Appellant, Rose Air, LLC, has neither paid the required fees nor established indigence for purposes of appellate costs. *See* TEX. R. APP. P. 5, 20.1; *see also* TEX. GOV'T CODE ANN. §§ 51.207, 51.941(a), 101.041 (West 2013), 101.0411 (West Supp. 2013); Order Regarding Fees Charged in the Supreme Court, in Civil Cases

in the Courts of Appeals, and before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9127 (Tex. Aug. 16, 2013). Further, appellant has not paid or made arrangements to pay the fee for preparing the clerk's record. *See* TEX. R. APP. P. 37.3(b). After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R. APP. P. 5, 42.3(b), (c).

Additionally, on March 25, 2014, this Court granted appellant's counsels' motion to withdraw. Because a corporation may be represented only by a licensed attorney in the prosecution of its appeal, appellant was required to retain licensed counsel if it desired to prosecute its appeal. *See MHL Homebuilder LLC v. Dabal/Graphic Resource*, No. 14-05-00295-CV, 2005 WL 1404475, at *1 (Tex. App.—Houston [14th Dist.] June 16, 2005, no pet.) (mem. op.) (citing *Kunstoplast of Am., Inc. v. Formosa Plastics Corp., U.S.A.*, 937 S.W.2d 455, 456 (Tex.1996) and *Dell Dev. Corp. v. Best Indus. Uniform Supply Co.*, 743 S.W.2d 302, 303 (Tex. App.—Houston [14th Dist.] 1987, writ denied)). We ordered that any new counsel representing appellant in this appeal file a designation of lead counsel or notice of appearance with the Clerk of this Court by April 14, 2014, and notified appellant that if no such designation or notice was filed, the Court might dismiss the appeal. No such designation or notice has been filed.

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(b), (c), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Sharp, and Huddle.