

Opinion issued December 3, 2015



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

---

NO. 01-15-00284-CV

---

**LATRICE HARRIS, Appellant**

**V.**

**HIGHLAND KNOLLS COMMUNITY ASSOCIATION, Appellee**

---

---

**On Appeal from the County Civil Court at Law No. 2  
Harris County, Texas  
Trial Court Case No. 908487**

---

---

**MEMORANDUM OPINION**

Appellant, Latrice Harris, attempts to appeal from the trial court's final agreed judgment signed on April 8, 2008. Appellee, Highland Knolls Community

Association, has filed a motion to dismiss the appeal for want of jurisdiction. We grant the motion and dismiss the appeal.

Generally, a notice of appeal is due within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. The deadline to file a notice of appeal is extended to ninety days after the date the judgment is signed if, within thirty days after the judgment is signed, any party files a motion for new trial, motion to modify the judgment, or motion to reinstate. *Id.*; *see* TEX. R. CIV. P. 329b(a), (g). The time to file a notice of appeal also may be extended if, within fifteen days after the deadline to file the notice of appeal, a party properly files a motion for extension. *See* TEX. R. APP. P. 10.5(b), 26.3. And a motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day extension period provided by rule 26.3. *See* TEX. R. APP. P. 26.1, 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

Here, the trial court signed an agreed final judgment on April 8, 2008. The clerk's record filed in this Court does not reflect that appellant filed a post-judgment motion or a request for findings of fact and conclusions of law, which would have extended the time to file a notice of appeal. Accordingly, Harris's notice of appeal was due by May 8, 2008, or by May 23, 2008, with a

fifteen-day extension. *See* TEX. R. APP. P. 26.1(a), 26.3; *Verburgt*, 959 S.W.2d at 617. Harris untimely filed her notice of appeal on March 25, 2015.

Without a timely filed notice of appeal, this Court lacks jurisdiction over the appeal. *See* TEX. R. APP. P. 25.1. Accordingly, we grant Highland Knolls's motion and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 43.2(f). We dismiss any other pending motions as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Keyes, and Bland.