

Opinion issued December 8, 2015



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00505-CV

MARCY LERCH, ET AL., Appellants

V.

**WILMINGTON TRUST NA SUCCESSOR TRUSTEE FOR THE MERRILL
LYNCH MORTGAGE INVESTOR TRUST SERIES 2006-HE5, Appellee**

**On Appeal from the County Court at Law No. 1
Fort Bend County, Texas
Trial Court Cause No. 15-CCV-054652**

MEMORANDUM OPINION

Appellants, Marcy Lerch, et al., appealed from the trial court's final judgment, signed on April 21, 2015. *See* TEX. R. APP. P. 26.1(a)(1). However, appellants have failed to timely file their appellate brief. *See id.* 38.6(a),

38.8(a)(1). After being notified by the Clerk of this Court on September 16, 2015, that their appeal was subject to dismissal for failure to timely file their appellate brief, appellants failed to timely respond. *See id.* 38.8(a)(1), 42.3(b), (c).

Accordingly, we **dismiss** the appeal for want of prosecution for failure to timely file a brief. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Higley, Huddle, and Lloyd.