

Dismissed and Memorandum Opinion filed August 28, 2014.



In The

Fourteenth Court of Appeals

NO. 14-14-00331-CV

JEANNE BOWSER AND ALBERT SMITH, Appellants

V.

SANDRA BERGQUIST AND ROBERT PONDER, Appellees

**On Appeal from the County Court at Law No. 1
Galveston County, Texas
Trial Court Cause No. CV-0071627**

M E M O R A N D U M O P I N I O N

According to information provided to this court, on April 14, 2014, appellants filed a notice of appeal from a judgment signed April 3, 2014, in a de novo appeal from justice court in an eviction suit. On April 21, 2014, the trial court denied appellants' claim of indigence and ordered them to post a \$50,000 bond to suspend enforcement of the judgment. *See* Tex. Prop. Code § 24.007(a) (providing "a judgment of a county court in an eviction suit may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court"). On May

5, 2014, the trial court determined appellants had not posted the required bond and signed an order granting possession of the property to appellees.

To date, our records show that appellants have neither established indigence nor paid the \$195.00 appellate filing fee. *See* Tex. R. App. P. 5 (requiring payment of fees in civil cases unless indigent); Tex. R. App. P. 20.1 (listing requirements for establishing indigence); *see also* Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 13-9127 (Tex. Aug. 16, 2013) (listing fees in court of appeals); Tex. Gov't Code § 51.207 (same).

In addition, no clerk's record has been filed. The clerk responsible for preparing the record in this appeal informed the court appellants did not make arrangements to pay for the record. An appeal is subject to dismissal for want of prosecution when the clerk's record has not been filed due to appellant's failure to pay for its preparation. *See* Tex. R. App. P. 37.3(b).

On August 5, 2014, this court ordered appellant to pay the appellate filing fee and provide proof of payment for preparation of the clerk's record on or before August 20, 2014, or the appeal would be dismissed. *See* Tex. R. App. P. 37.3(b) (permitting dismissal where appellants have not paid for preparation of the clerk's record); Tex. R. App. P. 42.3(c) (allowing involuntary dismissal when appellants have failed to comply with a court order). Appellants have not paid the appellate filing fee, provided this court with proof of payment for preparation of the record, or filed any other response to this court's order.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices McCally, Brown, and Wise.