

Appeal Dismissed and Memorandum Opinion filed October 6, 2015.



In The

Fourteenth Court of Appeals

NO. 14-15-00422-CV

RODNEY UNDERWOOD, Appellant

V.

BAYVIEW LOAN SERVICING, LLC, Appellee

**On Appeal from the 189th District Court
Harris County, Texas
Trial Court Cause No. 2013-49626**

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

This is an attempted appeal from a judgment signed January 23, 2015. No post-judgment motion was filed. Appellant's notice of appeal was filed May 1, 2015.

The notice of appeal must be filed within 30 days after the judgment is signed when appellant has not filed a timely post-judgment motion. *See* Tex. R. App. P. 26.1.

Appellant's notice of appeal was not filed timely. 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 Texas Rule of Appellate Procedure 26.1, but within the 15-day grace period provided by Rule 26.3 for filing a motion for extension of time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617–18 (Tex. 1997) (construing the predecessor to Rule 26). Appellant's notice of appeal was not filed within the 15-day period provided by Rule 26.3.

On September 9, 2015, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of jurisdiction. *See Tex. R. App. P. 42.3(a)*. Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Donovan.