

Dismissed and Memorandum Opinion filed November 1, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00545-CV

REYNA ISABEL TABORDA AND PHILLIP L. HURLEY, Appellants

V.

SRINIVASACHARY V. TAMIRISA AND BARRY POWELL, Appellees

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause No. 15-DCV-221564**

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

This is an attempted appeal from an order signed June 7, 2016. Appellants did not file a motion for new trial. The notice of appeal was filed July 11, 2016.

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

Appellants' 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 Rule 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 (1997) (construing the predecessor to Rule 26). While an extension may be implied, appellants still are obligated to come forward with a reasonable explanation to support the late filing. *See Miller v. Greenpark Surgery Center Assocs., Ltd.*, 974 S.W.2d 805, 808 (Tex. App.—Houston [14th Dist.] 1998, no pet.).

On September 20, 2016, we ordered appellants to file, by September 30, 2016, a proper motion to extend time to file the notice of appeal, and we stated that the appeal would be dismissed if a motion was not filed. No motion was filed.

Accordingly, the appeal is **DISMISSED**.

PER CURIAM

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