

Motion Granted; Appeal Dismissed and Memorandum Opinion filed August 16, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00550-CV

IN THE ESTATE OF JOAN FRANCES WATSON, DECEASED

**On Appeal from the Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 439,063**

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 April 12, 2016. No post-judgment motion was filed. Appellant's notice of appeal was filed July 8, 2016.

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 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). Appellant’s notice of appeal was not filed within the 15-day period provided by Rule 26.3.

On July 27, 2016, appellees filed a motion to dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed no response.

The appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Jamison, McCally, and Wise.