

Appeal Dismissed and Memorandum Opinion filed August 22, 2017.



**In The
Fourteenth Court of Appeals**

NO. 14-17-00546-CV

**STANLEY S. FALCON AKA STANLEY S. FALCON, INDIVIDUALLY
AND AS FIRST SUCCESSOR TRUSTEE OF THE SOISSON FAMILY
LIVING TRUST, Appellant**

V.

BEN B. TURNER, JR. & ASSOCIATES, Appellee

**On Appeal from the County Civil Court at Law No. 4
Harris County, Texas
Trial Court Cause No. 1070133**

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 May 31, 2016. No post-judgment motion was filed. Appellant's notice of appeal was filed July 10, 2017. A 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 (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 28, 2017, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of jurisdiction. On August 15, 2017, appellant filed a response. Appellant's response fails to demonstrate that this court has jurisdiction to entertain the appeal.

Accordingly, we order the appeal dismissed.

PER CURIAM

Panel consists of Justices Christopher, Brown, and Wise.