

Motion Granted; Dismissed and Memorandum Opinion filed October 6, 2022.



In The

Fourteenth Court of Appeals

NO. 14-22-00608-CV

JENNIFER MARIS, Appellant

V.

LORI FERRO, Appellee

**On Appeal from the Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 490321**

MEMORANDUM OPINION

This is an attempted appeal from a judgment in a proceeding to declare heirship signed May 4, 2022. *See* Tex. Est. Code Ann. § 202.202. Appellant filed a timely motion for new trial on June 3, 2022. Appellant's notice of appeal was filed August 18, 2022.

When appellant has filed a timely post-judgment motion, the notice of appeal must be filed within 90 days after the date the judgment is signed. *See* Tex. R. App. P. 26.1(a).

Appellant’s notice of appeal was not filed timely. A motion to extend 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 to extend 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 Texas Rule of Appellate Procedure 26.3.

On August 23, 2022, appellee filed a motion to dismiss the appeal for want of jurisdiction. *See Tex. R. App. P. 42.3(a)*. Appellant filed no response. Appellee’s motion is granted.

Accordingly, the appeal is dismissed.

PER CURIAM

Panel consists of Justices Spain, Poissant, and Wilson.