

Dismissed and Memorandum Opinion filed August 31, 2023



In The

Fourteenth Court of Appeals

NO. 14-23-00060-CV

VGT ENTERPRISE, LLC, Appellant

V.

CAHABA DISASTER RECOVERY, LLC, Appellee

**On Appeal from the County Civil Court at Law No. 3
Harris County, Texas
Trial Court Cause No. 1161224**

MEMORANDUM OPINION

This is an attempted appeal from an order of dismissal signed October 7, 2022. Appellant filed a timely motion to reinstate on October 14, 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 filed its notice of appeal on January 27, 2023.

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 July 25, 2023, notification was transmitted to all parties the appeal was subject to dismissal without further notice 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 Christopher and Justices Bourliot and Hassan.