

Dismissed and Memorandum Opinion filed July 27, 2023



In The

Fourteenth Court of Appeals

NO. 14-23-00421-CV

IQBAL A. SHAMSI AND WASIMA IQBAL, Appellants

V.

WERRINGTON HOMEOWNERS ASSOCIATION, INC., Appellee

**On Appeal from the 295th District Court
Harris County, Texas
Trial Court Cause No. 2022-01298**

MEMORANDUM OPINION

This is an attempted appeal from a default judgment signed March 13, 2023. No post-judgment motion was filed. Appellant's notice of appeal was filed June 14, 2023.

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 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 June 29, 2023, we notified the parties that 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, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Spain.