

Motion Granted; Dismissed and Memorandum Opinion filed August 31, 2023



In The

Fourteenth Court of Appeals

NO. 14-23-00435-CV

**JAUSHSTEILYEE MARTINEZ, AS INDEPENDENT EXECUTOR OF THE
ESTATE OF ABEL CASTRO, DECEASED, Appellant**

V.

**K & B PROPERTIES, L.P., KEN ARMSTRONG AND BRIAN BATTLE,
Appellee**

**On Appeal from the Probate Court No. 3
Harris County, Texas
Trial Court Cause No. 511,018-402**

MEMORANDUM OPINION

This appeal is from an order signed May 18, 2023. No clerk's record has been filed. The clerk responsible for preparing the record in this appeal informed the court appellant did not make arrangements to pay for the record.

On July 6, 2023, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of prosecution unless, within fifteen days,

appellant paid or made arrangements to pay for the record and provided this court with proof of payment. *See* Tex. R. App. P. 37.3(b). No response was filed. On August 10, 2023, appellant was ordered to provide this court with proof of payment for the record on or before August 21, 2023. *See* Tex. R. App. P. 35.3(c). In the order, we notified appellant that failure to comply with the court's order would result in dismissal of the appeal. *See* Tex. R. App. P. 37.3(b). No response was filed.

Appellees have filed a motion to dismiss the appeal for want of prosecution and a supplemental motion urging this court to dismiss. Because appellant has not provided this court with proof of payment for the record, we grant appellees' motion and dismiss the appeal.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Bourliot and Hassan.