

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00280-CV

U.S. REALTY TRUST, L.L.C., et al.,
Appellants

v.

Thayer K. **MILLER**, et al.,
Appellees

From the 216th Judicial District Court, Bandera County, Texas
Trial Court No. CV08-145
Honorable N. Keith Williams, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and Filed: June 2, 2010

DISMISSED FOR WANT OF PROSECUTION

The trial court clerk filed a notification of late record stating that the clerk's record had not been filed because appellants had failed to pay or make arrangements to pay the clerk's fee for preparing the record and that appellants are not entitled to appeal without paying the fee. On May 7, 2010, we ordered appellants to provide written proof to this court that either (1) the clerk's fee had been paid or arrangements had been made to pay the clerk's fee; or (2) appellants are entitled to appeal without paying the clerk's fee. The order stated that if appellant failed to

respond by May 17, 2010, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). No response has been filed. Accordingly, this appeal is dismissed for want of prosecution. Costs of the appeal are taxed against appellants.

PER CURIAM