



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00882-CV

Joseph **ZAPATA** and Maria Banda,
Appellants

v.

WALTER MORTGAGE COMPANY LLC, et al.,
Appellee

From the 79th Judicial District Court, Jim Wells County, Texas
Trial Court No. 10-03-48880-CV
Honorable Richard C. Terrell, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: February 5, 2014

DISMISSED FOR WANT OF PROSECUTION

The clerk's record was due on January 13, 2014. On January 6, 2014, the trial court clerk filed a Notification of Late Record stating the clerk's record would not be 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. Accordingly, on January 13, 2014, this court ordered appellants to provide written proof to this court no later than January 23, 2014 that either (1) the clerk's fee had been paid or arrangements have been made to pay the clerk's fee; or (2) appellants are entitled to appeal without paying the clerk's fee. Our order cautioned

appellants that if they failed to file such written proof within the time provided, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b).

Appellants have not responded; therefore, this appeal is dismissed.

PER CURIAM