



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-16-00405-CV

Jimmy C. **BALLARD** and Alexis Boultinghouse-Ballard,  
Appellants

v.

**HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR ACE SECURITIES  
CORP. HOME EQUITY LOAN TRUST, SERIES 2004-RM2  
ASSET BACKED PASS-THROUGH CERTIFICATES,**  
Appellee

From the County Court at Law No. 3, Bexar County, Texas  
Trial Court No. 2015CV07393  
Honorable Karen Crouch, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: August 10, 2016

DISMISSED FOR WANT OF PROSECUTION

When appellants filed this appeal, they were required to pay a filing fee of \$205.00. *See* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a); *see also id.* §§ 51.208, 51.0051; TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN THE SUPREME COURT, IN CIVIL CASES IN THE COURTS OF APPEALS, AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 14-9158, Aug. 28, 2015). Appellants did not pay the required filing fee when they filed the notice of appeal. The clerk of the court notified appellants of this deficiency in a letter

dated June 23, 2016, and advised appellants the filing fee was due no later than July 7, 2016. On July 19, 2016, when the fee remained unpaid, we ordered appellants, not later than July 29, 2016, to either (1) pay the applicable filing fee, or (2) provide written proof to this court that they are indigent or otherwise excused by statute or the Texas Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 20.1 (providing that indigent party who complies with provisions of that rule may proceed without advance payment of costs). The court advised appellants that if they failed to respond satisfactorily within the time ordered, the appeal would be dismissed. *See* TEX. R. APP. P. 42.3.

The filing fee has not been paid, and appellants have not otherwise responded to our July 19, 2106 order. We therefore dismiss the appeal for want of prosecution. We further order that appellee recover its costs of this appeal, if any, from appellants.

PER CURIAM