

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00541-CV**

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**ALEX MELVIN WADE, JR., Appellant**

**V.**

**DOMINION AT WOODLANDS, Appellee**

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**On Appeal from the 284th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 07-01-00132 CV**

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**MEMORANDUM OPINION**

On November 19, 2010, Alex Melvin Wade, Jr. filed a notice of appeal from a judgment that was signed on October 17, 2007. The notice of appeal was filed with the trial court more than thirty days from the date the trial court signed the judgment and outside the time in which a party may perfect a restricted appeal. *See* Tex. R. App. P. 26.1. We notified the parties that the notice of appeal did not appear to have been timely filed. Both parties filed responses. Appellant contends he did not receive actual notice of the signing of the final summary judgment until 2010.

The Court finds that the notice of appeal was not timely filed. *See* Tex. R. App. P. 26.1. Notice of appeal was filed outside the time for which an extension of time may be granted for perfecting an appeal. *See* Tex. R. App. P. 26.3. The Court finds it is without jurisdiction to entertain this appeal. Accordingly, the appeal is dismissed for want of jurisdiction.

APPEAL DISMISSED.

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HOLLIS HORTON  
Justice

Opinion Delivered January 27, 2011  
Before Gaultney, Kreger, and Horton, JJ.