

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00195-CV

JENNIFER M. BIRDWELL, Appellant

V.

APRIL SOUND PROPERTY OWNERS' ASSOCIATION, INC., Appellee

**On Appeal from the 410th District Court
Montgomery County, Texas
Trial Cause No. 16-09-11349-CV**

MEMORANDUM OPINION

Jennifer M. Birdwell, Appellant, filed a notice of appeal from a final judgment. Despite written notices from this Court and an opportunity to cure, Appellant has neither established indigence nor paid the filing fee for the appeal. *See* Tex. R. App. P. 5, 20.1. Additionally, a clerk's record has not been filed, and the clerk who is responsible for preparing the record in this appeal informed the Court that Appellant did not arrange to pay for the record. *See* Tex. R. App. P. 37.3(b). On June 15, 2018, we notified the parties that the clerk's record had not been filed due

to Appellant's failure to pay or, to arrange to pay the fee for preparing the clerk's record, and we warned Appellant that the appeal would be dismissed unless she arranged to pay the fee for the clerk's record. On June 19, 2018, we notified the parties that the appeal would be dismissed unless the filing fee was paid. Appellant did not respond to the Court's notices.

There being no satisfactory explanation for Appellant's failure to pay the filing fee for the appeal, and there being no satisfactory explanation for the failure to file the clerk's record, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b), 42.3.

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on August 15, 2018
Opinion Delivered August 16, 2018

Before Kreger, Horton, and Johnson, JJ.