

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00403-CV

IN THE ESTATE OF DANIEL DAVID FELLS JR., DECEASED

**On Appeal from the County Court
Orange County, Texas
Trial Cause No. P19210**

MEMORANDUM OPINION

On November 17, 2022, the trial court signed an order appointing DonNiece Mann as the Independent Administratrix of the Estate of Danial David Fells Jr. and granting letters of administration upon taking and filing the oath as required by law. Windy Lynette Hammer Fells filed a notice of appeal.

The County Clerk notified the Court that Appellant is not entitled to appeal without paying the fee and had failed to pay or to arrange to pay for the clerk's record in her appeal. On March 28, 2023, we notified the parties that the clerk's record had not been filed and we warned Appellant that we would dismiss the appeal unless she

arranged to pay the fee required to file the clerk's record or she explained that she needed additional time to do so by April 27, 2023. *See* Tex. R. App. P. 37.3(b). On March 29, 2023, the Appellees, Daniel C. Fells and DonNiece Mann, filed a motion to dismiss the appeal for want of prosecution.

On April 27, 2023, Appellant filed a motion for extension of time to file the record. We granted an extension of time until May 30, 2023, to file the record. As of today, the clerk's record has not been filed. In the absence of a satisfactory explanation justifying Appellant's failure to arrange to pay for a clerk's record to support her appeal, we grant Appellees' motion to dismiss and we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b), 42.3, 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on June 14, 2023
Opinion Delivered June 15, 2023

Before Horton, Johnson and Wright, JJ.