



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-13-00053-CV**

ESTATE OF URSULA KATE REED,  
DECEASED

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FROM PROBATE COURT NO. 1 OF TARRANT COUNTY

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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**

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Pro se Appellant Bonnye Reed filed her initial appellant's brief with this court on June 19, 2013. Because the brief did not comply with the rules of appellate procedure, the court notified Appellant by letter dated June 20, 2013, that she must file an amended brief by July 1, 2013. See Tex. R. App. P. 9, 38, and 2nd Tex. App. (Fort Worth) Loc. R. 1. The court's letter notified Appellant that her failure to file an amended, compliant appellant's brief could result in our striking the noncompliant brief that had been filed, waiving noncomplying points, or dismissing the appeal. See Tex. R. App. P. 38.8(a), 38.9(a), 42.3. On June 21, 2013, Appellant requested an extension of time to file an amended brief.

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<sup>1</sup>See Tex. R. App. P. 47.4.

Appellee Kevin Hurst, Independent Executor of the Estate of Ursula Kate Reed, filed a response in opposition to Appellant's motion for extension of time, but the court granted Appellant an extension to file her amended appellant's brief by July 11, 2013. On July 16, 2013, Appellee filed a motion to dismiss the appeal based on Appellant's alleged failure to comply with the rules of appellate procedure and this court's order to file an amended brief by July 11, 2013. In the motion to dismiss, Appellee seeks dismissal of the appeal and damages for a frivolous appeal under rule of appellate procedure 45.

Appellee's motion to dismiss the appeal is **GRANTED IN PART**. Because Appellant's amended brief has not been filed, we dismiss the appeal but deny Appellee's request for damages. See Tex. R. App. P. 38.8(a), 42.3(b), 43.2(f), 45.

Appellant shall pay all costs of this appeal, for which let execution issue.

PER CURIAM

PANEL: GARDNER, WALKER, and MCCOY, JJ.

DELIVERED: August 8, 2013