



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

NO. 02-13-00347-CV

TEXAS FOREST PROPERTIES,
INC. AND JOON SEOK PARK

APPELLANTS

V.

NARA BANK

APPELLEE

FROM THE 211TH DISTRICT COURT OF DENTON COUNTY

MEMORANDUM OPINION¹

Appellants attempt to appeal from a final summary judgment signed on June 19, 2013. Appellants timely filed a motion for new trial on July 19, 2013. Therefore, their notice of appeal was due September 17, 2013. See Tex. R. App. P. 26.1(a)(1). Appellants did not file their notice of appeal until October 7, 2013.

¹See Tex. R. App. P. 47.4.

On October 9, 2013, we notified Appellants of our concern that we lack jurisdiction over this appeal because the notice of appeal was not timely filed. We informed Appellants that this appeal may be dismissed for want of jurisdiction unless they or any party desiring to continue the appeal filed with the court, on or before October 21, 2013, a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3.

On October 14, 2013, Appellee filed a motion to dismiss for want of jurisdiction based upon Appellants' untimely notice of appeal. See Tex. R. App. P. 42.3. On October 22, 2013, Appellants filed a motion acknowledging that their notice of appeal was untimely and asking to withdraw their notice of appeal. See Tex. R. App. P. 42.1(a)(1).

We grant Appellants' motion and dismiss the appeal. See Tex. R. App. P. 42.1(a), 43.2(f). We deny Appellee's motion as moot.

PER CURIAM

PANEL: GARDNER, WALKER, and MCCOY, JJ.

DELIVERED: November 27, 2013