



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00334-CV

KENNETH G. WALKER AND ROSEMARY F. WALKER, Appellants

v.

BROAD VISION INVESTMENTS, LLC, Appellee

On Appeal from County Court at Law No. 1
Tarrant County, Texas
Trial Court No. 2018-006040-1

Before Sudderth, C.J.; Gabriel and Kerr, JJ.
Memorandum Opinion by Chief Justice Sudderth

MEMORANDUM OPINION

Appellee Broad Vision Investments, LLC acquired 8501 Prairie Dawn Drive, Fort Worth, Texas 76131, at a foreclosure sale and brought a forcible detainer action against pro se Appellants Kenneth G. Walker and Rosemary F. Walker. Appellee prevailed, Appellants appealed, and the trial court set a supersedeas bond. *See* Tex. Prop. Code Ann. § 24.007 (requiring appellant to file a supersedeas bond within 10 days of the signing of a final judgment in an eviction suit to stay the judgment). Appellants did not file a supersedeas bond.

On January 29, 2019, Appellee filed a motion to dismiss the appeal as moot, attaching to its motion a copy of the trial court's October 23, 2018 writ of possession and the constable's return executed on November 1, 2018. *See Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 787, 790 (Tex. 2006) (dismissing case when there was no longer a potentially meritorious claim of right to current, actual possession of the apartment and no exception applied to warrant consideration of the appeal on its merits). In its motion, Appellee alternatively argued that the appeal should be dismissed for want of prosecution because Appellants have failed to respond to any of this court's letters.

On February 12, 2019, we asked Appellants to respond to Appellee's motion on or before February 22, 2019. *See* Tex. R. App. P. 42.3(c), 44.3. Appellants have not filed a response. Accordingly, we grant Appellee's motion and dismiss the appeal.

/s/ Bonnie Sudderth
Bonnie Sudderth
Chief Justice

Delivered: March 28, 2019