



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

No. 02-19-00092-CV

TOMMY N. LEAGUE JR., DENISE M. LEAGUE, AND ANY OTHER
OCCUPANTS OF 2220 ARCHER TRAIL, DENTON, TEXAS 76209, Appellants

v.

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SG
MORTGAGE SECURITIES TRUST 2005-OPT1, ASSET BACKED
CERTIFICATES, SERIES 2005-OPT1, Appellee

On Appeal from County Court at Law No. 2
Denton County, Texas
Trial Court No. CV-2019-00302-JP

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

MEMORANDUM OPINION

Appellants Tommy League Jr. and Denise M. League filed their notice of appeal on March 14, 2019. In their notice of appeal, the Leagues stated that they “should not bear any more costs associated with this Appeal.” On April 4, 2019, this court sent a letter to the Leagues stating that the required \$205.00 filing fee had not been paid. *See* Tex. R. App. P. 5. In that letter, we informed the Leagues that if the filing fee was not paid by April 15, 2019, this appeal would be dismissed.

On April 15, 2019, the Leagues filed a “Statement of Inability to Afford Payment of Court Costs or an Appeal Bond.” Because it appeared to this court that the statement the Leagues had filed was not current, we sent an April 25, 2019 letter to the Leagues informing them that if they were attempting to proceed on appeal without payment of costs, they needed to file a current Statement of Inability to Afford Payment of Court Costs. *See* Tex. R. App. P. 20.1(b)(3). In that letter, we also informed the Leagues that if they had not paid the \$205.00 filing fee or established their entitlement to proceed on appeal without payment of costs by May 6, 2019, the appeal would be dismissed. Tex. R. App. P. 42.3(c). The Leagues responded by filing a current statement of inability to pay costs.

Following multiple indigency-type filings in this court and after having received a response from the appellees regarding the Leagues’ indigency status, we abated this cause to the trial court and referred the indigency issue to that court. The trial court held a hearing and issued “Findings of Fact at Hearing on Motion for Finding of

Indigency” on July 2, 2019, which stated that the Leagues’ financial conditions had not materially changed since the trial court’s earlier determination that the Leagues were not indigent.

In response to the trial court’s finding, we denied the Leagues’ motion for a finding of indigency, and we concluded that the Leagues should not be permitted to proceed without payment of costs in this court. *See* Tex. R. App. P. 20.1(c). In that order, we informed the Leagues that they “must pay the required \$205.00 filing fee on or before Thursday, July 25, 2019.” We also informed the Leagues that they were to pay or arrange to pay for preparation of the appellate record prior to July 25, 2019, and that failure to pay or to make such arrangement would result in the dismissal of this appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b), 42.3(b). The Leagues responded by filing a “Motion for Reconsideration for Payment of Court Costs or in the Alternative Motion for Continuance to Pay Court Costs,” which this court denied by order on August 8, 2019.

The Leagues have not filed any written responses to our orders or otherwise shown that grounds exist for the appeal to be continued. We therefore dismiss the appeal for want of prosecution due to the Leagues’ failure to pay the case filing fee or the fee for preparation of the clerk’s record. *See* Tex. R. App. P. 5, 37.3(b), 42.3(b), (c).

/s/ Dana Womack

Dana Womack
Justice

Delivered: August 22, 2019