

NO. 07-02-0309-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
OCTOBER 10, 2002

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IN THE MATTER OF THE MARRIAGE OF  
JANETTE EVE SHULTZ AND DAMON SCOTT SHRAUNER

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FROM THE 320<sup>TH</sup> DISTRICT COURT OF POTTER COUNTY;  
NO. 65270-D; HONORABLE DON EMERSON, JUDGE

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Before QUINN and REAVIS, JJ. and BOYD, S.J.\*

**DISMISSAL**

By letter dated September 24, 2002, this Court directed appellant Damon Scott Shrauner to pay the required filing fee of \$125 by Friday, October 4, 2002, before any further action could be taken in this appeal, noting that failure to do so might result in dismissal. Unless a party is excused from paying a filing fee, the Clerk of this Court is

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\* John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

required to collect filing fees set by statute or the Supreme Court when an item is presented for filing. See Tex. R. App. P. 5 and 12.1(b). Although the filing of a notice of appeal invokes this Court's jurisdiction, if a party fails to follow the prescribed rules of appellate procedure, the appeal may be dismissed. Tex. R. App. P. 25.1(b). Thus, because the filing fee of \$125 remains unpaid, we must dismiss the appeal.

Accordingly, the appeal is dismissed for failure to comply with the Texas Rules of Appellate Procedure and with a notice from the Clerk requiring payment of the filing fee within ten days. Tex. R. App. P. 42.3(c).

Don H. Reavis  
Justice

Do not publish.