

NO. 07-03-0364-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
SEPTEMBER 3, 2003

DAVID GRACIA AND GRACE CONCRETE PRODUCTS, INC.

Appellants

v.

MASHKOOR ALAM

Appellee

FROM THE 359TH DISTRICT COURT OF MONTGOMERY COUNTY;
NO. 02-04-02198-CV; HON. KATHLEEN HAMILTON, PRESIDING

Before QUINN, REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Appellants David Gracia and Grace Concrete Products, Inc. filed a notice of appeal on July 24, 2003. However, they did not pay the \$125 filing fee required from appellants pursuant to Texas Rule of Appellate Procedure 5. Nor did they file an affidavit pursuant to Texas Rule of Appellate Procedure 20.1 relieving appellants of their duty to pay the fee. By letter from this Court dated August 20, 2003, we informed appellants that “[u]nless the filing fee in the amount of \$125.00 is paid by Tuesday, September 2, 2003, the appeal will

be subject to dismissal.” TEX. R. APP. P. 42.3(c); see *Holt v. F. F. Enterprises*, 990 S.W.2d 756 (Tex. App.--Amarillo 1998, pet. ref’d). September second lapsed without the fee being paid.

Consequently, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam