

NO. 07-04-0002-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
FEBRUARY 26, 2004

BETTY ANN NEWBY, APPELLANT

V.

SHERIA EVANS, INDIVIDUALLY AND AS ADMINISTRATRIX OF
THE ESTATE OF GEORGE RALPH NEWBY, JR., DECEASED,
DAN MOSER AND MOSER INVESTMENTS, APPELLEES

FROM THE 84TH DISTRICT COURT OF HUTCHINSON COUNTY;
NO. 35,150; HONORABLE JACK YOUNG, JUDGE

Before JOHNSON, C.J., and QUINN and CAMPBELL, JJ.

MEMORANDUM OPINION

On January 2, 2004, the clerk of this court received a copy of a Notice of Appeal filed on behalf of appellant Betty Ann Newby. By letter dated January 6, 2004, the clerk advised appellant that a filing fee had not been received, see TEX. R. APP. P. 5. The clerk's letter likewise advised that no further action would be taken on the appeal by this Court until

a filing fee had been paid and that failure to pay the filing fee may result in dismissal of the appeal. See TEX. R. APP. P. 42.3.

The filing fee was not paid. By letter dated February 12, 2004, the clerk advised counsel for appellant that the filing fee had still not been paid, and that unless the filing fee was received on or before February 23, 2004, the appeal would be subject to dismissal.

The filing fee has not been paid. Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.3.

Phil Johnson
Chief Justice