

NO. 07-05-0442-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
DECEMBER 28, 2005

BRYCE MAEDA, ET AL., APPELLANTS

V.

DAVID AND RUTH TIMMONS, APPELLEES

FROM POTTER COUNTY COURT AT LAW NO. 1;
NO. 93,936-1; HONORABLE W.F. "CORKY" ROBERTS, JUDGE

Before REAVIS and CAMPBELL and HANCOCK, JJ.

MEMORANDUM OPINION

Following a *pro se* notice of appeal challenging a default judgment, appellants Bryce Maeda, *et al.* were notified by letter dated December 9, 2005, to pay the required filing fee of \$125 within ten days, 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 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). To date, the fee remains unpaid. Thus, 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. Tex. R. App. P. 42.3(c).

Don H. Reavis
Justice