

NO. 07-08-0463-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
DECEMBER 3, 2008

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ADVANTA BANK CORP.,

Appellant

v.

QUANAH FARM & RANCH COMPANY  
and DON P. DRAKE a/k/a DON PATRICK DRAKE,

Appellees

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FROM THE 46<sup>TH</sup> DISTRICT COURT OF HARDEMAN COUNTY;  
NO. 9918; HON. DAN MIKE BIRD, PRESIDING

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***Memorandum Opinion***

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

Appellant Advanta Bank Corp. filed a notice of appeal on November 18, 2008. However, appellant did not pay the \$125 filing fee required from appellants under Texas Rule of Appellate Procedure 5. Nor did it file an affidavit of indigence per Texas Rule of

Appellate Procedure 20.1. By letter from this Court dated November 19, 2008, we informed appellant that “the filing fee in the amount of \$175.00 has not been paid . . . . Failure to pay the filing fee within ten (10) days from the date of this notice may result in a 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). The deadline lapsed, and the fee was not received.

Because appellant has failed to pay the requisite filing fee as directed by the court, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam