



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00136-CV

**FILOMENO GARCIA, VERONICA GARCIA, EUSEBIO PALACIOS,
JULIA JUAREZ, AND ALL CURRENT OCCUPANTS 1301 WESTMORELAND
ROAD, RED OAK, TEXAS 75154, APPELLANTS**

V.

**JP MORGAN CHASE BANK, N.A., ITS OFFICERS, AGENTS,
ASSIGNEES, AND ASSOCIATES, APPELLEES**

On Appeal from the County Court at Law No. 1
Ellis County, Texas
Trial Court No. 13-C-3097, Honorable Jim Chapman, Presiding

May 5, 2014

MEMORANDUM OPINION

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

Appellants filed a notice of appeal on March 26, 2014, but failed to pay the \$195 filing fee required under Texas Rule of Appellate Procedure 5. The notice of appeal was originally filed in the 10th Court of Appeals, and notice was given appellants of the defect and that the filing fee needed to be paid. The matter was then transferred to the 7th Court, and we too informed appellants, by letter dated April 16, 2014, that the filing fee was outstanding and that the appeal would be dismissed unless it was paid within

ten days from the April 16th letter. 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 fee has not been paid to date. Nor have appellants filed affidavits of indigency or sought leave to proceed without the payment of fees.

Furthermore, appellants filed a notice of appeal on March 26, 2014, from a judgment signed on May 31, 2013. No motion for new trial or like request extending the appellate deadline was filed. Consequently, appellants had until July 1, 2013, to file a notice of appeal. Appellants did not do so. Thereafter, we afforded them an opportunity to explain why notice was untimely and why we had jurisdiction over the appeal. To date no response has been received. Given these circumstances, we cannot but conclude that we lack jurisdiction over the appeal.

Because appellants have failed to pay the requisite filing fee as directed by the court and notice was late, we dismiss the appeal.

Per Curiam