



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

No. 07-23-00285-CV

STEVE OTOS, APPELLANT

V.

CHUCK BREHM, ED BECK, AND TOBIN CENTER HOTEL, LLC, APPELLEES

On Appeal from the 166th District Court
Bexar County, Texas
Trial Court No. 2019-CI-20398, Honorable Laura Salinas, Presiding

September 20, 2023

ORDER OF ABATEMENT AND REMAND

Before **PARKER** and **DOSS** and **YARBROUGH, JJ.**

Appellant, Steve Otos, appeals from the trial court's *Final Judgment*.¹ The appellate record was due August 25, 2023, but was not filed because Otos failed to make payment arrangements for the clerk's and reporter's records. Otos has since notified the Court that he previously filed a statement of inability to afford payment of court costs

¹ Originally appealed to the Fourth Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001.

pursuant to Rule of Civil Procedure 145, but the court reporter and Appellees have filed motions in the trial court contesting Otos's inability to pay costs. The motions are set for hearing before the trial court on September 21, 2023.

Accordingly, we abate the appeal and remand the cause to the trial court to rule on the court reporter's and Appellees' motions to require Otos to pay for preparation of the appellate record. See *Shepherd v. Helen Painter & Co.*, No. 07-22-00314-CV, 2022 Tex. App. LEXIS 8380, at *1–2 (Tex. App.—Amarillo Nov. 15, 2022, order) (per curiam) (doing same). Upon remand, the trial court shall conduct an evidentiary hearing in accordance with Rule of Civil Procedure 145(f) and enter findings to support its decision. Its findings and any orders issued shall be included in a clerk's record, along with a reporter's record transcribing the hearing, filed with the Clerk of this Court on or before October 20, 2023.

All appellate deadlines are suspended until further order of the Court.

It is so ordered.

Per Curiam