



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00224-CV

**IN THE MATTER OF THE MARRIAGE OF
JOHN HUGHES
AND
PRINCESS YOUNG
AND IN THE INTEREST OF Z.H., A CHILD**

**From the 19th District Court
McLennan County, Texas
Trial Court No. 2008-1332-1**

MEMORANDUM OPINION

Princess Young filed a pro se notice of appeal with the District Clerk on July 1, 2009 regarding a decree of divorce signed on June 23, 2009. On July 27, 2009, Young, through retained counsel, filed a document indicating that a motion for new trial had been filed and that Young no longer wished to appeal.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.1(a)(1).

Further, absent a specific exemption, the Clerk of this Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX. R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). *See*

also TEX. R. APP. P. 5; 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. § 51.207(b); § 51.941(a) (Vernon 2005); and § 51.208 (Vernon Supp. 2008). Under the circumstances of this proceeding, we suspend the rule and order the Clerk to write off all unpaid filing fees in this case. TEX. R. APP. P. 2. The write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed by Young.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
Appeal dismissed
Opinion delivered and filed August 5, 2009
[CV06]