



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00390-CV

CONNIE JO HOLLER,

Appellant

v.

THE COUNTY OF BRAZOS COUNTY, TEXAS,

Appellee

**From the 361st District Court
Brazos County, Texas
Trial Court No. 11-002561-CV-361**

MEMORANDUM OPINION

Appellant, Connie Jo Holler, presented a notice of appeal regarding a trial court order or judgment signed on September 24, 2012. By letter dated, November 30, 2012, the Clerk of this Court notified appellant that the docketing statement was past due and must be filed within 21 days from the date of the letter. No docketing statement was received and filed. By letter dated January 11, 2013, the Clerk of this Court warned appellant that the appeal would be dismissed without further notification unless,

within 14 days from the date of the letter, a docketing statement was filed. Again, no docketing statement was received and filed.

We also note that appellant has not paid for the clerk's record. This Court notified appellant by letter dated December 11, 2012, that the appeal would be dismissed if arrangements were not made to pay the trial court clerk's fees. No payment was made. This Court again notified appellant by letter dated January 11, 2013, that the appeal would be dismissed for want of prosecution if arrangements were not made to pay the trial court clerk's fees and notification sent to this Court indicating the actions taken. This Court has not received notification that arrangements were made to pay the clerk's fees.

Absent a specific exemption, the Clerk of the 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) (West 2005); and § 51.208 (West Supp. 2011). Under these circumstances, 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 appellants.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.3(b).

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed February 21, 2013
[CV06]