



IN THE
TENTH COURT OF APPEALS

No. 10-13-00433-CV

BRAD PARSONS,

Appellant

v.

**BANK OF AMERICA, GREEN TREE
SERVICING, LLC., JAMIE SILVER,
INDIVIDUALLY, JOHNSON & SILVER, LLP,**

Appellees

**From the 249th District Court
Johnson County, Texas
Trial Court No. C201300162**

MEMORANDUM OPINION

Brad Parsons appeals from the trial court's order dismissing his suit with prejudice against Jaime Silver, individually, and Johnson & Silver, LLP. By letter dated December 11, 2013, the Clerk of this Court notified Parsons that the appeal was subject to dismissal because it appeared that his notice of appeal was untimely. *See* TEX. R. APP. P. 26.1. By the same letter, the Clerk also warned Parsons that the Court would dismiss the appeal unless, within 10 days from the date of the letter, a response was filed showing grounds for continuing the appeal. Parsons filed a response in which he

asserts that because of other actions by the trial court, his notice of appeal was premature and that he does not wish to “perfect or prosecute his prematurely filed” notice of appeal.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 42.3(a).¹

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); 51.208 (West Supp. 2012); § 51.941(a) (West 2005). 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.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed January 9, 2014

[CV06]

¹ A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by the Texas Supreme Court, a petition for review must be filed with the Texas Supreme Court clerk within 45 days after either the date the court of appeals' judgment was rendered or the date the last ruling on all timely motions for rehearing was made by the court of appeals. TEX. R. APP. P. 53.7(a).