



WITHDRAWN 3-6-14

IN THE
TENTH COURT OF APPEALS

No. 10-12-00302-CV

TODD PHILLIPPI,

Appellant

v.

CITI RESIDENTIAL LENDING, INC., ET AL,

Appellee

From the County Court at Law
Ellis County, Texas
Trial Court No. C-08-3657

MEMORANDUM OPINION

On October 16, 2013, the Clerk of the Court sent the following letter to Appellant:

The required filing and fax fees of \$20 for your faxed Motion to Extend Time to File Appellant's Brief filed on September 24, 2013 are **PAST DUE**. See TEX. R. APP. P. 5; Appendix to TEX. R. APP. P., Order Regarding Fees (Amended Aug. 28, 2007, eff. Sept. 1, 2007). See also 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).

Unless you are exempt, you must: (1) file an indigence affidavit as provided by Texas Rule of Appellate Procedure 20.1; or (2) pay the required filing and fax fees. See TEX. R. APP. P. 5, 20.1. If you fail either to file an indigence affidavit or to pay the filing and fax fees within 14 days

after the date of this letter, the motion will be dismissed without further notification. *See* TEX. R. APP. P. 5.

You also owe an additional \$20 for two previous fax fees that are **PAST DUE**.

Fees may be paid by check or money order, payable to the "Tenth Court of Appeals."

On November 8, 2013, Appellant paid the required filing and fax fees of \$20 for his Motion to Extend Time to File Appellant's Brief; however, Appellant continued to owe \$20 for required fax fees that were past due.

On November 27, 2013, the Clerk of the Court sent a letter to Appellant reminding him of the foregoing. Appellant was also informed that unless he is exempt, he must: (1) file an indigence affidavit as provided by Texas Rule of Appellate Procedure 20.1; or (2) pay the required filing and fax fees. *See* TEX. R. APP. P. 5, 20.1. Appellant was also notified that if he failed to file an indigence affidavit or to pay the required filing and fax fees within fourteen days after the date of the letter, this appeal may be dismissed without further notification. *See* TEX. R. APP. P. 5, 42.3(c).

More than fourteen days have passed since the November 27 letter, and Appellant has not filed an indigence affidavit or paid the required filing and fax fees; accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 5, 42.3(c).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed January 9, 2014
[CV06]