



**IN THE
TENTH COURT OF APPEALS**

No. 10-15-00448-CV

IN THE INTEREST OF C.Z.C. AND N.M.C., CHILDREN

**From the 413th District Court
Johnson County, Texas
Trial Court No. D201206298**

MEMORANDUM OPINION

A notice of appeal by Christopher L. Cogdill regarding the associate judge's proposed Order Enforcing Child Support and Medical Support Obligation signed on December 15, 2015 and adopted by the trial court judge on December 17, 2015 was forwarded to this Court by the District Clerk and set up as a new appeal on the Court's docket. Cogdill has filed a motion to dismiss the appeal, stating that he intended a review by the 413th District Court of the associate judge's proposed order. *See* TEX. FAM. CODE ANN. § 201.015 (a) (West 2014) ("A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written

request....”). Cogdill asserts that the clerk mistakenly sent the notice of appeal to this Court. We agree.

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; § 51.941(a) (West 2013). Under these circumstances, we find the rule is not applicable and order the Clerk to write off all unpaid filing fees in this case and to waive the payment and collection thereof. *See* TEX. R. APP. P. 2.

Cogdill’s motion is granted, and this appeal is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed January 7, 2016

[CV06]

