

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00178-CV

Ida Council, Appellant

v.

Ateyeh Jbeily, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1, TRAVIS COUNTY
NO. 261,490, HONORABLE J. DAVID PHILLIPS, JUDGE PRESIDING**

Appellant Ida Council filed a notice of appeal in the trial court in an attempt to perfect her appeal in an eviction action to this Court; however, she failed to pay the required fee or file an affidavit of indigence. *See* Tex. R. App. P. 20.1(c)(1) (An appellant must file the affidavit of indigence in the trial court *with or before* the notice of appeal) (emphasis added). An appellate court may grant an extension of time to file the affidavit if, within 15 days after the deadline for filing the affidavit, the party files in the appellate court a motion[@] The trial court rendered its judgment March 5, 2002. Accordingly, the notice of appeal was due March 25, 2002. *See* Tex. R. App. P. 26.1(b). On April 11, appellant filed a motion to extend time to file her affidavit of indigence; however, this exceeds the 15 day period prescribed by rule 20.1(c)(1). As a result, this Court is without jurisdiction to rule on her motion. Accordingly, we dismiss the motion.

Furthermore, because appellant has not paid the fee due or timely filed an affidavit of indigence, we dismiss her appeal. *See* Tex. R. App. P. 42.3.

Mack Kidd, Justice

Before Justices Kidd, Patterson and Puryear

Dismissed

Filed: May 23, 2002

Do Not Publish