

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00805-CV

Andrea Chambers, Appellant

v.

Bank of America, N.A., Appellee

**FROM COUNTY COURT AT LAW NO. 3 OF BELL COUNTY
NO. 74, 954, HONORABLE REBECCA DEPEW, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on August 22, 2013. On February 18, 2014, Andrea Chambers was notified that no clerk's record had been filed due to her failure to pay or make arrangements to pay the county clerk's fee for preparing the clerk's record. The notice requested that Chambers make arrangements for the clerk's record and submit a status report regarding this appeal by February 28, 2014. Further, the notice advised Chambers that her failure to comply with this request could result in the dismissal of her appeal for want of prosecution. To date, Chambers has not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed.

If the trial court clerk fails to file the clerk's record due to appellant's failure to pay or make arrangements to pay for the clerk's fee for preparing the record, the appellate court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without

payment of costs. Tex. R. App. P. 37.3(b). In this case, Chambers has not established that she is entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1 (providing procedure for establishing indigence on appeal). Because Chambers has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution.

Scott K. Field, Justice

Before Justices Puryear, Goodwin, and Field

Dismissed for Want of Prosecution

Filed: March 27, 2014