

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-14-00024-CV**

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**Melinda Greenhaw, Appellant**

**v.**

**HSBC Bank USA, as Trustee for PHH Alternative Mortgage Trust, Series 2007-3, Appellee**

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**FROM THE COUNTY COURT AT LAW NO. 3 OF BELL COUNTY  
NO. 76,094, HONORABLE REBECCA DEPEW, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

This is an appeal from a judgment awarding possession in a forcible detainer case.<sup>1</sup> The clerk's record in this appeal was due in this Court on February 12, 2014. On April 8, 2014, Melinda Greenhaw was notified that no clerk's record had been filed due to her failure to pay or make arrangements to pay the district clerk's fee for preparing the clerk's record. The notice requested that Greenhaw make arrangements for the clerk's record and submit a status report regarding this appeal by April 18, 2014. Greenhaw has not filed a status report or otherwise responded to this Court's notice.

If the trial court clerk fails to file the clerk's record due to appellant's failure to pay or make arrangements to pay the clerk's fee for preparing the record, the appellate court may dismiss

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<sup>1</sup> Although the underlying suit named Darrel Greenhaw and/or all occupants of the property as defendants, the notice of appeal is in the name only of Melinda Greenhaw. But even if the other defendants were parties to this appeal, our disposition would be the same.

the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs. Tex. R. App. P. 37.3(b). Because Greenhaw 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.

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Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Rose

Dismissed for Want of Prosecution

Filed: May 16, 2014