

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

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**NO. 03-14-00057-CV**

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**Ross O. Brown, Appellant**

**v.**

**The County of Comal, Texas, Appellee**

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**FROM THE DISTRICT COURT OF COMAL COUNTY, 274TH JUDICIAL DISTRICT  
NO. T-7993C, HONORABLE JACK ROBISON, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant filed his notice of appeal on January 31, 2014, and filed an affidavit of indigence in this Court on February 18. On March 17, appellee filed a response asserting that appellant was not indigent and that the affidavit contained several defects. We therefore abate the appeal and remand to the trial court to hear evidence, make factual determinations, and grant the appropriate relief. *See* Tex. R. App. P. 20.1(h)(4). Notice shall be given and the hearing shall be held within the deadlines set out in the rules of appellate procedure. *See id.* R. 20.1(i)(1) (trial court must set hearing and notify parties and court reporter), (2) (hearing must be held within ten days of date trial court receives referral of contest), (3) (trial court may extend time for hearing for up to twenty days), (4) (contest is deemed overruled unless trial court signs order sustaining contest within period set for hearing).

It is ordered May 6, 2014.

Before Justices Puryear, Goodwin, and Field

Abated and Remanded

Filed: May 6, 2014