

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00690-CV

Dalecia L. Rivers, Appellant

v.

Clay Veil Rivers, III, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT
NO. D-1-FM-16-005838, HONORABLE JAN SOIFER, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellee Clay Veil Rivers has filed a challenge to appellant Dalecia L. Rivers's statement of inability to pay costs, which was also filed in this Court. *See* Tex. R. Civ. P. 145(f)(1). Dalecia did not file a statement of inability to pay costs in the trial court.¹

The appeal is abated. We direct the Clerk of this Court to forward to the trial court Dalecia's statement of inability to pay costs and Clay's challenge to her statement. We remand this cause to the trial court for a hearing on Clay's challenge to Dalecia's ability to afford payment of court costs and for appropriate orders under Rule 145 of the Texas Rules of Civil Procedure. *See* Tex. R. Civ. P. 145(f)(5)-(7). Any and all documents filed and orders signed pursuant to Rule 145

¹ We refer to the parties by their first names for clarity.

shall be forwarded to this Court for filing as a supplemental record no later than January 5, 2018.

It is ordered December 5, 2017.

Before Chief Justice Rose, Justices Pemberton and Goodwin

Abated and Remanded

Filed: December 5, 2017