

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

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**NO. 03-19-00684-CV**

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**Fry Sons Ranch, Inc. and James Andy Fry,  
Individually and as Sole Director of Fry Sons Ranch, Inc., Appellants**

**v.**

**Joseph Nathan Fry, Press Allen Fry, and Edward Heath Fry, All Individually and as  
Representatives and Majority Shareholders of Fry Sons Ranch, Inc., and as  
Beneficiaries of The Press Fry Family Trust, Appellees**

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**FROM THE 33RD DISTRICT COURT OF BURNET COUNTY  
NO. 45181, JUDGE MICKEY RAY PENNINGTON, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

The clerk's record in this appeal was due for filing in this Court on October 7, 2019. On October 8, 2019, we notified appellants that no clerk's record had been filed due to their failure to pay or make arrangements to pay the trial-court clerk's fee for preparing the clerk's record. The notice requested that appellants make arrangements for the clerk's record and submit a status report regarding this appeal by October 18, 2019. Further, the notice advised appellants that their failure to comply with this request could result in the dismissal of the appeal for want of prosecution. To date, appellants have not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed.

If a trial-court clerk fails to file the clerk's record due to an 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, appellants have not established that they are entitled to proceed without payment of costs. *See* Tex. R. Civ. P. 145. Because appellant 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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Chari L. Kelly, Justice

Before Justices Goodwin, Baker, and Kelly

Dismissed for Want of Prosecution

Filed: October 31, 2019