



NUMBER 13-08-00270-CV

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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CLIFF AND LETICIA McKELVY,

Appellants,

v.

STATE FARM LLOYDS,  
KINGDOM ASSOCIATES, INC.,  
D/B/A SERVICEMASTER BAY AREA ,  
AND ROBERT LLORENTE,

Appellees.

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On Appeal from the 23rd District Court  
of Matagorda County, Texas.

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion Per Curiam**

Appellants, Cliff and Leticia McKelvy, perfected an appeal from summary judgments rendered against them in favor of appellees, State Farm Lloyds and Kingdom Associates, Inc., d/b/a Servicemaster Bay Area and Robert Llorente. On August 12, 2008, the Clerk

of this Court notified appellant that the clerk's record in the above cause was originally due on May 30, 2008, and that the district clerk, Becky Denn, had notified this Court that appellant failed to make arrangements for payment of the clerk's record. The Clerk of this Court notified appellants of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.3, 42.3(b),(c). Appellants were advised that, if the defect was not corrected within ten days from the date of receipt of this notice, the appeal would be dismissed for want of prosecution. Appellants failed to respond to the Court's notice. State Farm Lloyds has now filed a motion to dismiss this appeal for want of prosecution.

The Court, having considered the documents on file and State Farm Lloyd's motion to dismiss, is of the opinion that the motion should be granted. See *id.* 37.3, 42.3(b),(c). Accordingly, the motion to dismiss is GRANTED and the appeal is DISMISSED FOR WANT OF PROSECUTION.

PER CURIAM

Memorandum Opinion delivered and  
filed this the 6th day of November, 2008.