

NO. 12-12-00272-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

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| <i>IN THE ESTATE OF</i> | § | <i>APPEAL FROM THE</i> |
| <i>GEORGE DOUGLAS NOLAN,</i> | § | <i>COUNTY COURT OF</i> |
| <i>DECEASED</i> | § | <i>SMITH COUNTY, TEXAS</i> |

*MEMORANDUM OPINION
PER CURIAM*

This appeal is being dismissed because Appellant has failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to Rule 32.1, Appellant's docketing statement was due to have been filed at the time the appeal was perfected, i.e., August 13, 2012. *See* TEX. R. APP. P. 32.1. Because Appellant did not file her docketing statement at that time, this court requested by letter dated August 14, 2012, that she file her docketing statement within ten days. Appellant did not file the docketing statement as requested.

In a second notice dated August 29, 2012, the court advised Appellant that the docketing had not been filed as requested in the court's August 14, 2012 letter. The notice further provided that unless the docketing statement was filed on or before September 10, 2012, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. *See* TEX. R. APP. P. 32.1. The September 10 deadline has passed, and Appellant has not complied with the court's request. Because Appellant has failed, after notice, to comply with Rule 32.1, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered September 19, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

SEPTEMBER 19, 2012

NO. 12-12-00272-CV

IN THE ESTATE OF GEORGE DOUGLAS NOLAN, DECEASED

Appeal from the County Court
of Smith County, Texas. (Tr.Ct.No. 38,436P)

THIS CAUSE came to be heard on the appellate record filed herein; and the same being considered, because it is the opinion of this court that this appeal should be dismissed, it is hereby ORDERED, ADJUDGED and DECREED by this court that this appeal be **dismissed** in accordance with the opinion of this Court; and that the Appellant, **ELIZABETH GILMORE**, pay all costs in this cause on appeal; and that this decision be certified to the court below for observance.

By per curiam opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.