

NO. 12-14-00244-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE MATTER OF THE ESTATE</i>	§	<i>APPEAL FROM THE</i>
<i>OF THELMA PAULINE TAYLOR</i>	§	<i>COUNTY COURT</i>
<i>ERWIN, DECEASED</i>	§	<i>HENDERSON COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c). The judgment in the instant case was signed on April 15, 2014. Appellant requested findings of fact and conclusions of law and, thereafter, filed a notice of appeal on June 2, 2014. However, Appellant's notice of appeal states that the judgment was signed on April 11, 2014.

A notice of appeal must contain the date of the order or judgment appealed from. TEX. R. APP. P. 25.1(d)(2). Therefore, on October 13, 2014, Appellant was notified that the notice of appeal reflects a different entry date than the actual final judgment or appealable order. *See id.* Appellant was further informed that the appeal would be dismissed unless the notice of appeal was amended, on or before November 12, 2014, to show the actual date of the judgment being appealed. Appellant did not comply with this notice or otherwise respond to it.

On November 18, 2014, this court again notified Appellant of the defect in the notice of appeal. Appellant was warned that the appeal would be referred to the court for dismissal unless an amended notice of appeal was filed with the trial court on or before December 1, 2014. This deadline has now expired, and Appellant has neither complied with this court's notice nor otherwise responded to it. Accordingly, we *dismiss* the appeal for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered December 3, 2014.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 3, 2014

NO. 12-14-00244-CV

IN THE MATTER OF THE ESTATE OF THELMA PAULINE TAYLOR ERWIN, DECEASED

Appeal from the County Court
of Henderson County, Texas (Tr.Ct.No. 28-2014)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; 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.