

**NO. 12-14-00262-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***CHARLES ALFORD AND  
MARY LOU ALFORD,  
APPELLANTS***

§ ***APPEAL FROM THE 1ST***

***V.***

***ROBERT THOMAS MCKEITHEN,  
EOG RESOURCES, INC. AND  
CENTRAL TEXAS LAND SERVICES,  
APPELLEES***

§ ***JUDICIAL DISTRICT COURT***

§ ***SAN AUGUSTINE COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction pursuant to Texas Rule of Appellate Procedure 42.3(a). The trial court's judgment was signed on May 23, 2014. Under rule of appellate procedure 26.1, the notice of appeal must be filed within thirty days after the judgment is signed. However, Appellants, Charles Alford and Mary Lou Alford, filed a timely motion for new trial. *See* TEX. R. APP. P. 26.1(a) (providing that notice of appeal must be filed within ninety days after judgment signed if any party timely files motion for new trial). Therefore, their notice of appeal was due to have been filed no later than August 21, 2014. Appellants did not file their notice of appeal until September 2, 2014. Because the notice of appeal was not filed on or before August 21, 2014, it was untimely.

On September 9, 2014, this court notified Appellants pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3 that their notice of appeal was untimely, but that this court would imply a motion to extend the time for filing the notice of appeal. *See Verburgt v. Dorner*, 959 S.W.2d 615, 615 (Tex. 1997). Appellants were further informed that the appeal would be dismissed unless, on or before September 19, 2014, they informed the court in writing of facts that reasonably explain their need for an extension of time to file the notice of appeal. The

deadline for responding to this court's notice has expired, and Appellants have not responded to the notice.

Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered September 24, 2014.

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

(PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**SEPTEMBER 24, 2014**

**NO. 12-14-00262-CV**

**CHARLES ALFORD AND MARY LOU ALFORD,**

Appellants

V.

**ROBERT THOMAS MCKEITHEN, EOG RESOURCES, INC.**

**AND CENTRAL TEXAS LAND SERVICES,**

Appellees

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Appeal from the 1st District Court  
of San Augustine County, Texas (Tr.Ct.No. CV-12-9344)

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THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

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