

NO. 12-16-00303-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***VERTEX INDUSTRIAL, INC.,
APPELLANT***

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***ALLSTATE FIRE & CASUALTY
INSURANCE COMPANY AS
SUBROGEE OF DOUG AND JEANE
EVANS,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

***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).

On November 18, 2016, the clerk of this Court notified Appellant that the filing fee in this appeal is due. *See* TEX. R. APP. P. 5. Appellant was informed that failure to remit the filing fee on or before November 28, 2016, would result in the Court's taking appropriate action, including dismissal of the case without further notice. *See* TEX. R. APP. P. 42.3(c). The date for remitting the filing fee has passed, and Appellant has not complied with the Court's request.

Because Appellant has failed, after notice, to comply with Rule 5, the appeal is *dismissed. See id.*

Opinion delivered November 30, 2016.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 30, 2016

NO. 12-16-00303-CV

VERTEX INDUSTRIAL, INC.,

Appellant

V.

ALLSTATE FIRE & CASUALTY INSURANCE COMPANY

AS SUBROGEE OF DOUG AND JEANE EVANS,

Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 16-0664-A)

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., Hoyle, J. and Neeley, J.