

**NO. 12-17-00205-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

**GABRIELLA ROBERTS,  
APPELLANT**

§ **APPEAL FROM THE 159TH**

**V.**

§ **JUDICIAL DISTRICT COURT**

**MISTI MONTALVO, INDIVIDUALLY  
AND AS SUBSTITUTE TRUSTEE AND  
AS FIDUCIARY,  
APPELLEE**

§ **ANGELINA COUNTY, TEXAS**

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**MEMORANDUM OPINION  
PER CURIAM**

Gabriella Roberts sued Misti Montalvo, individually and as substitute trustee and fiduciary, for wrongful foreclosure and breach of fiduciary duty. CitiMortgage, Inc. intervened. CitiMortgage subsequently filed traditional and no-evidence motions for summary judgment, joined by Montalvo, and the trial court granted the motions. Roberts filed a notice of appeal.

On August 8, 2017, this Court notified Roberts that her notice of appeal failed to contain the information specifically required by Texas Rules of Appellate Procedure 9.5 and 25.1. *See* TEX. R. APP. P. 9.5 (service of documents), 25.1(e) (service of notice of appeal in civil cases). The notice warned that, unless Roberts filed a proper notice of appeal on or before September 7, the appeal would be referred to the Court for dismissal. *See* TEX. R. APP. P. 42.3. The deadline has passed and Roberts has not filed a compliant notice of appeal or otherwise responded to this Court's August 8 notice.

Because Roberts has failed, after notice, to comply with Rules 9.5 and 25.1 of the Texas Rules of Appellate Procedure, the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c).

Opinion delivered September 20, 2017.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

SEPTEMBER 20, 2017

NO. 12-17-00205-CV

**GABRIELLA ROBERTS,**

Appellant

V.

**MISTI MONTALVO, INDIVIDUALLY AND AS SUBSTITUTE TRUSTEE AND AS  
FIDUCIARY,**

Appellee

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Appeal from the 159th District Court

of Angelina County, Texas (Tr.Ct.No. CV-03191-14-05)

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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 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.*