

NO. 12-21-00135-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***21ST MORTGAGE CORPORATION,
APPELLANT***

§

APPEAL FROM THE

V.

§

COUNTY COURT AT LAW

***WANDA DIXON, JOHN DIXON, JR.,
AND ALL OCCUPANTS,
APPELLEES***

§

VAN ZANDT COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for failure to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. *See* TEX. R. APP. P. 42.3(c).

A party who is not excused by statute or the appellate rules from paying costs must pay-- at the time an item is presented for filing--whatever fees are required by statute or Texas Supreme Court order. TEX. R. APP. P. 5; *see* TEX. R. APP. P. 20.1. An appellate court may enforce Rule 5 by any order that is just. TEX. R. APP. P. 5. After giving ten days' notice, an appellate court may dismiss an appeal because the appellant failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. TEX. R. APP. P. 42.3(c).

On August 17, 2021, the Clerk of this Court notified Appellant, 21st Mortgage Corporation, that the filing fee in this appeal is due. Appellant was informed that failure to remit the filing fee on or before August 27, 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 passed, and Appellant has not responded to this Court's notice, paid the filing fee, or otherwise shown that it is excused from paying the fee.

Because Appellant failed, after notice, to comply with Rule 5, the appeal is *dismissed*.¹

See TEX. R. APP. P. 42.3(c).

Opinion delivered September 15, 2021.

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

¹ We also note that Appellant has not filed the required docketing statement. *See* TEX. R. APP. P. 32.1.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 15, 2021

NO. 12-21-00135-CV

21ST MORTGAGE CORPORATION,

Appellant

V.

WANDA DIXON, JOHN DIXON, JR., AND ALL OCCUPANTS,

Appellees

Appeal from the County Court at Law
of Van Zandt County, Texas (Tr.Ct.No. CV06414)

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.