

NO. 12-22-00064-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

TIMBER LAKE ESTATES PROPERTY OWNERS ASSOCIATION, INC., § ***APPEAL FROM THE 173RD***
APPELLANT

V. § ***JUDICIAL DISTRICT COURT***

JAMES DRISCOLL AND CAROL DRISCOLL,
APPELLEES § ***HENDERSON 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.

Timber Lake Estates Property Owners Association, Inc., filed a notice of appeal on April 1, 2022. Pursuant to Rule 32.1, Timber Lake's docketing statement was due to have been filed at the time appeal was perfected. *See* TEX. R. APP. P. 32.1. On April 5, this Court requested that Timber Lake file a docketing statement within ten days if it had not already done so. Timber Lake did not file the docketing statement as requested.

On April 21, the Clerk of this Court issued a notice advising Timber Lake that the docketing statement was past due. The notice provided that unless the docketing statement was filed on or before May 2, the appeal would be presented for dismissal in accordance with Texas Rule of Appellate Procedure 42.3. The date for filing the docketing statement has passed, and Timber Lake has not complied with the Court's request.

Because Timber Lake failed, after notice, to comply with Rule 32.1, the appeal is ***dismissed***. *See* TEX. R. APP. P. 42.3(c) (after giving ten days' notice, appellate court may dismiss

appeal because 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).

Opinion delivered May 18, 2022.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 18, 2022

NO. 12-22-00064-CV

**TIMBER LAKE ESTATES PROPERTY
OWNERS ASSOCIATION, INC.,**

Appellant

V.

JAMES DRISCOLL AND CAROL DRISCOLL,

Appellees

Appeal from the 173rd District Court
of Henderson County, Texas (Tr.Ct.No. CV17-0093-3)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court 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**; 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.