

NO. 12-24-00083-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***EVAN PAUL REES,
APPELLANT***

§ *APPEAL FROM THE 4TH*

V.

***LARRY W. GARRETT, SUCCESSOR
TRUSTEE OF THE PAULA HUDSON
REES TRUST NUMBER ONE,
SUCCESSOR TRUSTEE OF THE
GERTRUDE H. HUDSON TRUST NO.
3 AND FORMER ATTORNEY IN
FACT FOR PAULA GARRETT,
APPELLEE***

§ *JUDICIAL DISTRICT COURT*

§ *RUSK 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 April 12, 2024, the Clerk of this Court notified Appellant, Evan Paul Rees, that the filing fee in this appeal is due and the appeal would be subject to dismissal if the fee was not paid

on or before April 22. The date for remitting the filing fee passed, and Appellant has not paid the fee or otherwise shown that he is excused from paying the fee.¹

Because Appellant failed, after notice, to comply with Rule 5, the appeal is *dismissed*.²
See TEX. R. APP. P. 42.3(c).

Opinion delivered May 8, 2024.

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

¹ The case information sheet from the Rusk County District Clerk's Office reflects that Appellant was not declared indigent in the trial court.

² Nor has Appellant filed the required docketing statement. *See* TEX. R. APP. P. 32.1.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 8, 2024

NO. 12-24-00083-CV

EVAN PAUL REES,

Appellant

V.

LARRY W. GARRETT, SUCCESSOR TRUSTEE OF THE PAULA HUDSON REES
TRUST NUMBER ONE, SUCCESSOR TRUSTEE OF THE GERTRUDE H. HUDSON
TRUST NO. 3 AND FORMER ATTORNEY IN FACT FOR PAULA GARRETT,

Appellee

Appeal from the 4th District Court
of Rusk County, Texas (Tr.Ct.No. 2023-103)

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 the 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