**COURT OF APPEALS FOR THE**
**FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER AND NOTICE OF INTENT TO DISMISS FOR WANT OF PROSECUTION

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| Appellate case name: | Daniel W. Booth; Devonae Servance-Booth; Parrish Servance; Shirley Servance and All Other Occupants v. Kondaur Capital Corporation, as Separate Trustee of Matawin Ventures Trust Series 2014-3 |
| Appellate case number: | 01-16-00188-CV |
| Trial court case number: | 16-CCV-056463 |
| Trial court: | County Court at Law No. 1 of Fort Bend County |

On March 1, 2016, appellant, Devonae Servance-Booth, proceeding *pro se*, filed a notice of appeal in the trial court from the final judgment signed on February 25, 2016, in this eviction action. Because only the reporter's record for the indigency hearing had been filed in this Court, the Clerk of this Court requested that an indigent clerk's record be filed. On June 14, 2016, the indigent clerk's record was filed in this Court attaching the trial court's order, signed on March 24, 2016, sustaining the court reporter's contest to appellant's affidavit of indigence. *See* TEX. R. APP. P. 20.1(e)(1), (i)(4).

A party claiming indigence for appellate costs may seek review of a trial court's order sustaining a contest to her affidavit of indigence by filing a motion challenging the order, within 10 days of that order, in the appellate court. *See* TEX. R. APP. P. 20.1(j)(1), (2). Here, because appellant failed to timely file such a motion, the Clerk of this Court is directed to mark appellant not indigent for purposes of appellate costs. *See id.* 20.1(j)(2).

Accordingly, because appellant has not established indigence, it is **ORDERED** that she pay the reporter's record fee to the reporter and the clerk's record fee to the trial clerk and file evidence with the Clerk of this Court of payment, or arrangements to pay those fees, **within 30 days** of the date of this order, **or this appeal may be dismissed without further notice**. *See* TEX. R. APP. P. 5, 37.3(b), 37.3(c)(2), 42.3(b), (c).

It is so ORDERED.

Judge's signature: /s/ Laura Carter Higley
☒ Acting individually
Date: June 21, 2016