Fourth Court of Appeals
San Antonio, Texas

July 29, 2016

No. 04-16-00438-CV

IN THE ESTATE OF JOSEPH DAVID MARKS, SR., DECEASED,

From the Probate Court No 1, Bexar County, Texas
Trial Court No. 2015PC0155
The Honorable Kelly Cross, Judge Presiding

O R D E R

A filing fee of $205.00 was due when this appeal was filed but it was not paid. *See* TEXAS SUPREME COURT ORDER REGARDING FEES CHARGED IN THE SUPREME COURT, IN CIVIL CASES IN THE COURTS OF APPEALS, AND BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION (Misc. Docket No. 14-9158, Aug. 28, 2015). The clerk of the court notified appellant[s] of this deficiency in a letter dated July 7, 2016. The fee remains unpaid. Rule 5 of the Texas Rules of Appellate Procedure provides:

> A party who is not excused by statute or these rules from paying costs must pay – at the time an item is presented for filing – whatever fees are required by statute or Supreme Court order. The appellate court may enforce this rule by any order that is just.

TEX. R. APP. P. 5.

We therefore **order** appellant, **not later than August 8, 2016** to either (1) pay the applicable filing fee, or (2) provide written proof to this court that she is indigent or otherwise excused by statute or the Texas Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 20.1 (providing that indigent party who complies with provisions of that rule may proceed without advance payment of costs). If appellant fails to respond satisfactorily within the time ordered, this appeal will be dismissed. *See* TEX. R. APP. P. 42.3.

Marialyn Barnard

Marialyn Barnard, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 29th day of July, 2016.



Keith E. Hottle
Clerk of Court