

DISMISS and Opinion Filed April 30, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-98-00071-CV

**BARBARA KAY (CHERRY) JAQUESS, Appellant
V.
CLYDE BRUCE CHERRY, Appellee**

**On Appeal from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. 97-2990-Z**

MEMORANDUM OPINION

**Before Justices Myers, Partida-Kipness, and Garcia
Opinion by Justice Myers**

We reinstate this appeal. This case was abated in February 1998 due to bankruptcy. *See* TEX. R. APP. P. 8.2. The Court conducted an independent review of the federal Public Access to Court Electronic Records (PACER) system which shows the bankruptcy case associated with this appeal was dismissed on July 31, 1998, effectively dissolving the automatic stay.

We notified the parties by letter, requesting they inform the Court of the status of the bankruptcy and of this appeal. We cautioned that the failure to respond would

result in the appeal being dismissed for want of prosecution. *See id.* 42.3(b),(c). To date, neither party has responded.

Because we gave the parties an opportunity to show why we should not dismiss the appeal for want of prosecution and no one responded, we dismiss this appeal. *See id.* 42.3(b),(c).

/Lana Myers/
LANA MYERS
JUSTICE

980071F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

BARBARA KAY (CHERRY)
JAQUESS, Appellant

No. 05-98-00071-CV V.

CLYDE BRUCE CHERRY,
Appellee

On Appeal from the 256th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. 97-2990-Z.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Garcia
participating.

In accordance with this Court's opinion of this date, the appeal is
DISMISSED.

Judgment entered April 30, 2021