

**DISMISS and Opinion Filed August 10, 2021**



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

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**No. 05-21-00420-CV**

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**TRACY LYNNEE HENDRICKS, Appellant  
V.  
THE KONTOUR AT KESSLER PARK, Appellee**

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**On Appeal from the County Court at Law No. 4  
Dallas County, Texas  
Trial Court Cause No. CC-20-05095-D**

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**MEMORANDUM OPINION**

Before Justices Osborne, Pedersen, III, and Nowell  
Opinion by Justice Pedersen, III

We questioned our jurisdiction over this appeal because it appeared appellant's notice of appeal was untimely. Because appellant filed the notice of appeal within the grace period, we instructed her to file an extension motion and cautioned her that failure to comply may result in dismissal of the appeal without further notice.

When a party does not file a post-judgment motion extending the appellate timetable, a notice of appeal is due thirty days or, with an extension motion, fifteen days after the due date. *See* TEX. R. APP. P. 26.1; 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See Brashear v. Victoria Gardens of*

*McKinney, L.L.C.*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh'g) (timely filing of notice of appeal jurisdictional).

The trial court signed the judgment on April 21, 2021. Appellant did not file a post-judgment motion extending the appellate timetable. Accordingly, the notice of appeal was due on May 21, 2021 or, with an extension motion, June 7, 2021. *See id.* 26.1, 26.3, 4.1(a). Although appellant filed a notice of appeal on June 7, 2021, she has failed to file the required extension motion so as to invoke our jurisdiction over the appeal.

We dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/Bill Pedersen, III/  
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BILL PEDERSEN, III  
JUSTICE



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

**JUDGMENT**

TRACY LYNNEE HENDRICKS,  
Appellant

No. 05-21-00420-CV      V.

THE KONTOUR AT KESSLER  
PARK, Appellee

On Appeal from the County Court at  
Law No. 4, Dallas County, Texas  
Trial Court Cause No. CC-20-05095-  
D.

Opinion delivered by Justice  
Pedersen, III. Justices Osborne and  
Nowell participating.

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

Judgment entered this 10<sup>th</sup> day of August, 2021.