

**DISMISS and Opinion Filed September 14, 2021**



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

---

**No. 05-21-00553-CV**

---

**STAMATINA HOLDINGS, LLC, ANGELOS KOLOBOTOS, AND 2632  
PENNSYLVANIA AVE., DALLAS, DALLAS COUNTY, TEXAS, IN REM,  
Appellants  
V.  
CITY OF DALLAS, Appellee**

---

**On Appeal from the 298th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-04413**

---

**MEMORANDUM OPINION**

Before Justices Molberg, Nowell, and Goldstein  
Opinion by Justice Goldstein

Before the Court is appellants' motion for extension of time to file their notice of appeal from the trial court's February 25, 2021 default judgment. The motion, filed after we questioned the timeliness of the appeal, explains the delay in filing the notice of appeal was the result of a mistake.

We lack authority to grant the motion. As appellee notes in its jurisdictional briefing, our authority to grant an extension to file a notice of appeal is limited to appeals filed within fifteen days of the deadline prescribed by Texas Rule of Appellate Procedure 26.1. *See* TEX. R. APP. P. 26.3. Because appellants timely filed

a motion to set aside the judgment, the rule 26.1 deadline was May 29, 2021, ninety days after the judgment was signed, and the extended deadline was June 10, 2021. *See id.* 26.1(a), 26.3. Appellants did not file their notice of appeal, however, until July 9th. Accordingly, we deny the extension motion without considering its merits and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *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 is jurisdictional).

/Bonnie Lee Goldstein/

BONNIE LEE GOLDSTEIN  
JUSTICE

210553F.P05



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

**JUDGMENT**

STAMATINA HOLDINGS, LLC,  
ANGELOS KOLOBOTOS, AND  
2632 PENNSYLVANIA AVE.,  
DALLAS, DALLAS COUNTY,  
TEXAS, IN REM, Appellants

No. 05-21-00553-CV      V.

CITY OF DALLAS, Appellee

On Appeal from the 298th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-20-04413.  
Opinion delivered by Justice  
Goldstein, Justices Molberg and  
Nowell participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee City of Dallas recover its costs, if any, of this appeal from appellants Stamatina Holdings, LLC, Angelos Kolobotos, and 2632 Pennsylvania Ave., Dallas, Dallas County, Texas, in rem.

Judgment entered September 14, 2021.