

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-25-00296-CV

ERIC SPRINGSTUN, Appellant

V.

**THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION,
INC., NATHAN ALEXANDER, STACY CASTON, ROBERT TRGOVICH,
KURT LOTERO, NASSER HEMPEL, AND JOHN OLEYAR, Appellees**

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 25-05-07682**

MEMORANDUM OPINION

On June 12, 2026, the Montgomery County District Clerk notified this Court that the Appellant, Eric Springstun, is not entitled to appeal without paying the \$435 fee, and the Appellant has failed to pay the fee or make arrangements to pay the fee for preparing the clerk's record.

On June 12, 2026, the appellate clerk issued a notice that warned the parties that the clerk's record which was due June 12, 2026, had not been filed, the

Appellant had not established indigent status for the appeal, and failure to file the clerk's record due to appellant's fault is grounds for dismissal for want of prosecution. *See* Tex. R. App. P. 37.3(b). The Clerk of the Court notified the parties that the appeal would be dismissed for want of prosecution unless by Monday, July 13, 2026, we received either proof satisfactory arrangements to pay the fee for the record have been made with the trial court clerk's office, or a motion which states the facts relied upon to reasonably explain the need for additional time to file the record. *Id.*

On July 13, 2026, Springstun filed a motion for a seven-day extension of time to complete payment arrangements for the clerk's record. On July 16, 2026, Springstun notified the Court that he filed an amended designation of the clerk's record with the District Clerk, and the District Clerk had not yet notified Springstun of the cost of the clerk's record under the amended designation. *See id.* As of this date, Springstun has not shown that he paid the District Clerk to prepare the clerk's record.

We conclude the trial court clerk failed to file the clerk's record because the appellant failed to pay the clerk's fee for preparing the clerk's record and that the appellant has had a reasonable opportunity to cure before dismissal. *See id.* 37.3(b). Accordingly, we dismiss the appeal for want of prosecution. *See id.* 42.3(c), 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on July 29, 2026

Opinion Delivered July 30, 2026

Before Golemon, C.J., Johnson and Wright, JJ.