

Dismissed and Opinion filed July 26, 2001.



In The

**Fourteenth Court of Appeals**

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NO. 14-01-00057-CV

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**REGINALD K. NIX AND COLONIAL AMERICAN CASUALTY AND SURETY  
COMPANY, Appellants**

**V.**

**TIMOTHY W. WEAVER, SUCCESSOR ADMINISTRATOR, Appellee**

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**On Appeal from the Probate Court No. 2  
Harris County, Texas  
Trial Court Cause No. 160,152-401**

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**OPINION**

On March 1, 2001, after proper notice, this Court issued an opinion dismissing appellants' appeal for want of prosecution because appellants had not paid or made arrangements to pay for the clerk's record nor provided this Court with proof of payment. On April 12, 2001, appellants filed a motion for rehearing asking that we grant the motion for rehearing, reinstate the appeal, and give them an extension of time to file the clerk's record. Appellee filed a response on May 3, 2001, opposing appellants' motion and asking this Court to reconsider its previous ruling denying appellee's motion to dismiss the appeal for want of jurisdiction.

On May 24, 2001, based upon our review of the motion and the response, we granted appellants' motion for rehearing and denied appellee's motion to reconsider our previous decision to deny his motion to dismiss. Accordingly, we ordered (1) our opinion of March 1, 2001, withdrawn, (2) the judgment of March 1, 2001, vacated, and (3) the appeal reinstated. We further ordered appellants to tender complete payment for the clerk's record within 30 days of the date of this order and to provide proof of such payment to this Court within the same time period. We noted that if appellants did not make payment and provide proof of payment to this Court within 30 days of the date of this order, the Court would dismiss the appeal for want of prosecution.

Appellants' payment and proof of payment was due June 25, 2001; however, neither has been forthcoming. Therefore, in accordance with our order of May 24, 2001, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c).

PER CURIAM

Judgment rendered and opinion filed July 26, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).