



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

NOTICE OF INTENT TO DISMISS

Appellate case name: Candace Louise Curtis v. Carl Henry Brunsting, Individually and as Independent Executor of the Estates of Elmer H. Brunsting and Nelva E. Brunsting

Appellate case number: 01-23-00362-CV

Trial court case number: 412249-401

Trial court: Probate Court No. 4 of Harris County

The Court's records indicate that appellant's notice of appeal, filed on April 26, 2023, may not have been timely filed to appeal (1) the trial court's order signed on February 14, 2019 denying appellant's plea to the jurisdiction; (2) the trial court's order signed on February 25, 2022 granting summary judgment in favor of Amy Ruth Brunsting and Anita Kay Brunsting, in their individual capacities and as co-trustees of The Brunsting Family Living Trust a/k/a The Restatement of the Brunsting Family Living Trust; and (3) "any other rulings subsumed with Cause No. 412249-401." *See* TEX. R. APP. P. 26.1 (requiring notice of appeal to be filed within thirty days after judgment is signed or ninety days after judgment is signed if party timely files motion for new trial, motion to modify, motion to reinstate or, under certain circumstances, request for findings of fact and conclusions of law). The clerk's record filed in this appeal does not reflect that any post-judgment motion was filed. *See* TEX. R. CIV. P. 329b(a) (requiring motion for new trial to be filed within thirty days after judgment or other order complained of is signed); *see also* TEX. R. CIV. P. 329b(g). Without a timely filed notice of appeal, this Court lacks jurisdiction over an appeal. *See* TEX. R. APP. P. 25.1.

Accordingly, the Court has directed me to notify appellant that unless, **within fourteen days of the date of this notice**, appellant responds in writing with citation to the record, statutes, rules, and case law, demonstrating that the Court has appellate jurisdiction over this appeal, the appeal is subject to dismissal for lack of jurisdiction. If a meritorious response is not received by the deadline, the Court may dismiss the appeal for want of jurisdiction without further notice. *See* TEX. R. APP. P. 42.3(a).

Clerk's Signature: /s/ Deborah M. Young

Date: February 22, 2024