



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

ORDER

Appellate case name: Rachael Braud v. Nathan Lane Robert

Appellate case number: 01-19-00163-CV

Trial court case number: 2017-64891

Trial court: 245th District Court of Harris County

Appellant has not made financial arrangements for the filing of the clerk's record. The failure to file a clerk's record may result in dismissal unless appellant follows the proper procedure to establish inability to afford payment of costs on appeal. *See* TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent), 20.1 (stating requirements for establishing inability to afford filing fees on appeal); TEX. R. CIV. P. 145(a) (stating requirements for establishing inability to afford costs of record on appeal); *see also* TEX. GOV'T CODE § § 51.207, 51.941(a), 101.041 (listing fees in court of appeals).

Because appellant filed an affidavit of indigence which did not comply with the rules, *see* TEX. R. CIV. P. 145, this Court issued an order directing appellant to file a Statement of Inability in the trial court, not an affidavit of indigence. The rules of procedure no longer permit a party to avoid the payment of filing fees and record fees by filing an affidavit of indigence. The rules require that a party file a Statement of Inability in the trial court. *See* TEX. R. CIV. P. 145(a); TEX. R. APP. P. 20.1(a).

With our first order, the Court should have provided a copy of a form Statement of Inability, but in the event that it did not or appellant has misplaced it, another form is attached. This form **must** be filled out and **filed** with the trial court if appellant claims to be unable to afford costs on appeal.

Accordingly, this Court **ORDERS** appellant to file a **Statement of Inability** (form attached) in the trial court and **provide proof of filing** of this document by requesting a supplemental clerk's record to be filed in this Court containing the Statement of Inability **within 20 days of the date of this order**. If appellant fails to file this supplemental clerk's record, the **Court may dismiss the appeal**. *See* TEX. R. APP. P. 42.3; *Manley v. Love's Travel Stop*, No. 01-17-00450-CV, 2018 WL 542409, at \*1 (Tex. App.—Houston [1st Dist.] Jan. 25, 2018, no pet.) (dismissing for failure to file Statement of Inability as ordered and failing to pay filing fee).

It is so ORDERED.

Judge's signature: Justice Richard Hightower  
 Acting individually    Acting for the Court

Date: July 9, 2020