



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

	§	No. 08-20-00047-CV
IN THE MATTER OF THE		
GUARDIANSHIP OF JANET CHURCH,	§	Appeal from the
AN INCAPACITATED PERSON,		
	§	County Court at Law No. 4
Appellant.		
	§	of Williamson County, Texas
	§	(TC# 18-0190-CP4)

ORDER

Appellant Frank Mendicino, *pro se*, asserts he is entitled to proceed with this appeal without paying costs based on a previous trial court finding of indigency. The official court reporter of the trial court, Tom McMinn, filed a challenge to Appellant's assertion that he has filed a Statement of Inability to Afford Payment of Court Costs or is otherwise exempt from paying such costs.

Although Appellant indicated on his docketing statement that a Statement of Inability to Afford Payment of Court Costs was filed in the trial court, our review of the record filed with this Court only shows that such statement was filed by the court-appointed *ad litem*, Carol L. Collins, as an attestation of the indigency of the ward, and not as an attestation of Appellant Frank Mendicino. Thus, the record is absent of a properly filed Statement of Inability to Afford Payment

of Court Costs as filed by Appellant, that is personal to him, as required by Rule 145 of the Texas Rules of Civil Procedure. *See* TEX.R.CIV.P. 145; *see also* TEX. EST. CODE ANN. § 1155.151(a)(3) (party to proceeding that incurs costs bears costs unless excused by TEX.R.CIV.P. 145). As such, we have determined that the filing requirement for such statement has not been met here by Appellant Frank Mendicino.

Therefore, we order Appellant, within 15 days, to either: (1) make arrangements to pay the cost of the reporter's record with the official court reporter, or (2) file with this Court a Statement of Inability to Afford Payment of Court Costs, as required by Rule 145 of the Texas Rules of Civil Procedure, that is individual to him and by using the standardized form promulgated by the Supreme Court of Texas (available online at <https://www.txcourts.gov/media/1435953/statement-final-version.pdf>), and to provide all parties of notice of this filing, at which point this Court will consider any objections to the statement.

Failure to meet either of these conditions may result in this appeal being submitted without a reporter's record without further notice. *See* TEX.R.APP.P. 37.7(c).

IT IS SO ORDERED this 14th day of July 2020.

PER CURIAM

Before Alley, C.J., Rodriguez and Palafox, JJ.