



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ROBERT EUGENE CARTER,	§	No. 08-17-00052-CV
Appellant,	§	Appeal from the
v.	§	109th District Court
ALICE SLIWICKI & ENGA SKIVER,	§	of Crane County, Texas
Appellees.	§	(TC# 6284)

MEMORANDUM OPINION

Pending before the Court is a joint motion to vacate the trial court's order denying Appellant's motion for summary judgment without regard to the merits and remand the cause to the trial court for further proceedings. *See* TEX.R.APP.P. 42.1(a)(2)(B). The motion is granted. Accordingly, we vacate the trial court's November 17, 2016 order denying Appellant's motion for summary judgment without regard to the merits, and we remand the matter to the trial court for further proceedings in accordance with the parties' agreement. Further, the Court grants the parties' request to expedite issuance of the mandate. The motion does not indicate that the parties have reached an agreement regarding the assessment of costs. Consequently, costs of the appeal are assessed against Appellant. *See* TEX.R.APP.P. 42.1(d)(absent agreement of the parties, the court will assess costs against appellant).

GINA M. PALAFOX, Justice

August 16, 2017

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