



In The

Eleventh Court of Appeals

No. 11-12-00320-CV

BALLENGER & ASSOCIATES, INC., Appellant

V.

BWS LAND SERVICES, INC. AND STUART A. FORSYTH, Appellees

On Appeal from the 220th District Court

Comanche County, Texas

Trial Court Cause No. CV14312

MEMORANDUM OPINION

Appellant, Ballenger & Associates, Inc., has filed in this court an agreed motion for judgment pursuant to TEX. R. APP. P. 42.1(a)(2). In the motion, the parties state that they “have agreed to a settlement of all claims with respect to this appeal and the underlying trial court litigation.” The parties request that this court affirm the trial court’s judgment as to Stuart A. Forsyth; reverse the judgment as to BWS Land Services, Inc.; and remand the case against BWS to the trial court so that an agreed judgment may be entered. We grant the parties’ agreed motion.

In accordance with the parties' request and without reaching the merits of the appeal, we affirm in part and reverse and remand in part. The judgment of the trial court is reversed insofar as it dismissed Ballenger's claims against BWS; Ballenger's claims against BWS are remanded to the trial court for further proceedings so that the trial court may reconsolidate the affected trial court cause numbers, CV17311 and CV14312, and enter an agreed judgment. In all other things, the judgment of the trial court is affirmed.

PER CURIAM

January 18, 2013

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.

11TH COURT OF APPEALS

EASTLAND, TEXAS

JUDGMENT

Ballenger & Associates, Inc.,

* From the 220th District
Court of Comanche County,
Trial Court No. CV14312.

Vs. No. 11-12-00320-CV

* January 18, 2013

BWS Land Services, Inc. and Stuart A. Forsyth,

* Per Curiam Memorandum Opinion
(Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.)

This court has considered Ballenger & Associates, Inc.'s agreed motion for judgment pursuant to TEX. R. APP. P. 42.1(a)(2). Therefore, in accordance with this court's opinion, the judgment of the trial court is reversed insofar as it dismissed Ballenger's claims against BWS Land Services, Inc.; Ballenger's claims against BWS are remanded to the trial court for further proceedings so that the trial court may reconsolidate the affected trial court cause numbers, CV17311 and CV14312, and enter an agreed judgment. In all other things, the judgment of the trial court is affirmed. The costs incurred by reason of this appeal are taxed against Ballenger & Associates, Inc.