

Dismissed and Memorandum Opinion filed July 29, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-06-01132-CV

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**CINDY D. NEELY and GEORGE R. NEELY, Appellants**

**V.**

**MARY ANN KNEZEK and TRAVIS JOHNSON, Appellees**

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**On Appeal from the 400th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 03-CV-132322**

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**MEMORANDUM OPINION**

This is an appeal from a judgment signed October 19, 2006. This court was advised that George R. Neely petitioned for bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, under cause number 04-44898, and the case was converted to a Chapter 7 proceeding. Although George R. Neely asserted that this appeal is not subject to an automatic stay pursuant to 11 U.S.C. § 362, on December 13, 2007, this court abated this appeal at the request of the Chapter 7 Trustee, W. Steve Smith.

On July 1, 2010, this court ordered the parties, including W. Steve Smith, the Chapter 7 Trustee, to file a response informing the court of the status of appellant's bankruptcy proceeding. On July 15, 2010, W. Steve Smith, Bankruptcy Trustee, filed a status report, along with a joint request of the Trustee and appellees to dismiss the appeal. According to the status report, Cindy Neely and George Neely no longer have any interest in the property that is the subject of the underlying suit. Their rights have been finally litigated in the Bankruptcy Court, the federal District Court, and the Fifth Circuit Court of Appeals. As a result, the Trustee now stands in the shoes of both George and Cindy Neely. The Trustee and appellees have reached a compromise that has been approved by the Bankruptcy Court. Therefore, they request that his appeal be dismissed. Appellants have not filed a response.

We grant the joint request for dismissal. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.