

Vacated and Remanded and Memorandum Opinion filed April 8, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00005-CV

J. A. ("JAY") ASAFI, Individually and as Independent Administrator of the Estate of Alosia Smith Rauscher, Deceased, and TODD REAGAN SMITH, Appellants

V.

THE BANK OF NEW YORK MELLON d/b/a BNY MELLON SHAREHOLDER SERVICES and CHEVRON U.S.A., INC., Appellees

**On Appeal from the Probate Court No. 2
Harris County, Texas
Trial Court Cause No. 381,121**

MEMORANDUM OPINION

This is an appeal from a judgment signed September 25, 2009. On March 18, 2010, appellants filed an agreed motion to set aside the judgment below and remand the case to the trial court for entry of an order of dismissal pursuant to the parties' agreement to settle the case. *See* Tex. R. App. P. 42.1(A)(2)(B). The motion is granted.

Accordingly, we order the judgment below vacated and set aside without regard to the merits. We remand the case to the trial court for entry of an order dismissing the case

pursuant to the parties' settlement agreement. We further order that each party shall pay its own costs incurred in this court and in the court below.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.