

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00373-CV

COUNTRYWIDE HOME LOANS, INC.,
Appellant

v.

Pedro G. BELTRAN and Cynthia Beltran,
Appellees

From the 79th Judicial District Court, Jim Wells County
Trial Court No. 05-07-43591
Honorable Richard C. Terrell, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: December 10, 2008

VACATED and DISMISSED

Before the court is an agreed joint motion to vacate the trial court's judgment and dismiss the case. In the motion, the parties state they have settled this appeal and request an order "vacating the trial court's judgment and dismissing the case with prejudice . . ." The motion is granted. As agreed by the parties, without consideration of the merits, we vacate the trial court's judgment dated April 2, 2008, and dismiss the case. *See Caballero v. Heart of Tex. Pizza, L.L.C.*, 70 S.W.3d 180, 180-81 (Tex. App.—San Antonio 2001, no pet.); *Panterra Corp. v. Am. Dairy Queen*, 908 S.W.2d

300, 301 (Tex. App.—San Antonio 1995, no writ); TEX. R. APP. P. 42.1(a)(2)(A), 43.2(e). Further, this appeal is dismissed. *See* TEX. R. APP. P. 42.1(a)(2). The Clerk of this court is ordered to issue the mandate simultaneously with the issuance of our opinion and judgment. *See* TEX. R. APP. P. 18.1(c). The District Clerk of Jim Wells County is ordered to release the supersedeas bond filed in connection with this appeal. Costs are taxed against the parties who incurred them.

PER CURIAM

