

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



**MEMORANDUM OPINION**

No. 04-09-00371-CV

**HIGHLAND HOMES, LTD.,**  
Appellant

v.

**BENNY & BENNY CONSTRUCTION COMPANY,**  
Appellee

From the 166th Judicial District Court, Bexar County, Texas  
Trial Court No. 2006-CI-18132  
Honorable Andy Mireles, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice  
Rebecca Simmons, Justice  
Marialyn Barnard, Justice

Delivered and Filed: July 28, 2010.

DISMISSED

Appellant has filed an unopposed motion to dismiss this appeal. The motion is granted, and the appeal is dismissed. *See* TEX. R. APP. P. 42.1(a)(1). Costs of the appeal are taxed against the parties who incurred them.

PER CURIAM