

NO. 07-02-0229-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
MARCH 25, 2003

REBECCA GOOSTREE and MELISSA HOLLAND,

Appellants

v.

LEMUEL J. GREEN, R. J. SAILOR, JR.,
ELICE SAILOR, and TONY BRITTEN,

Appellees

FROM THE 100TH DISTRICT COURT OF CARSON COUNTY;

NO. 8845; HON. DAVID M. MCCOY, PRESIDING

Memorandum Opinion

Before JOHNSON, C.J., QUINN, J., and BOYD, S.J.*

Pending before the court is a joint motion signed by counsel for all parties asking that we “set aside the trial court’s judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the attached judgment.” Such relief is sought, according to the parties, because the cause has been settled. The

* John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov’t Code Ann. §75.002(a)(1) (Vernon Supp. 2003).

movants do not explain what they mean by asking us to “set aside” the trial court’s judgment. Nonetheless, we construe the term to mean reverse. See *Rothlander v. Ayala*, 943 S.W.2d 546, 546 (Tex. App.--Waco 1997, no pet.) (so construing the term because an appellate court lacked the authority to simply “vacate” the trial court’s judgment).

Accordingly, we reverse the judgment of the trial court and remand the cause “for further proceedings in accordance with the settlement agreement of the parties.” *Id.* at 546-47. Each party will bear their own costs of court incurred.

Brian Quinn
Justice