



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-24-00001-CV

**AMERICAN WINDMILL MUSEUM, INC. D/B/A AMERICAN WIND POWER CENTER
AND CINDY BETH BATES RUSSELL, APPELLANTS**

V.

**LEE MOORE AND PROSPERITY BANK, AS INDEPENDENT EXECUTOR OF THE
ESTATE OF MARY MONTGOMERY MCCLURG, DECEASED, APPELLEES**

On Appeal from the County Court at Law No. 3
Lubbock County, Texas
Trial Court No. 2015-779,133, Honorable Ben Webb, Presiding

March 12, 2024

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and YARBROUGH, JJ.

Appellants, American Windmill Museum, Inc. d/b/a American Wind Power Center and Cindy Beth Bates Russell, appeal from the trial court's *Final Judgment*. Now pending before this Court is Appellants' motion seeking voluntary dismissal of the appeal. The Court finds that the motion complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent any party from seeking relief to which it would otherwise be entitled. As no decision of the Court has been delivered to

date, we grant the motion. The appeal is dismissed. Because the motion does not reflect an agreement of the parties concerning the payment of costs, costs will be taxed against Appellants. See TEX. R. APP. P. 42.1(d). No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam