



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-09-00304-CV**

**CHRISTINA R. GILMORE  
AND LEE A. CHUMLEY,**

**Appellants**

**v.**

**FEDERAL NATIONAL MORTGAGE  
ASSOCIATION AND FIRST AMERICAN  
TITLE INSURANCE COMPANY,**

**Appellees**

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**From the 87th District Court  
Leon County, Texas  
Trial Court No. 0-07-607A**

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**MEMORANDUM OPINION**

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In an agreed motion to dismiss appeal of Appellants Christina R. Gilmore and Lee A. Chumley, and Appellees Federal National Mortgage Association and First American Title Insurance Company, the parties informed the Court that they have agreed to dismiss this appeal and jointly request this Court:

A. to set aside the trial court's judgment on appeal, which consists of:

(1) an “Order on Defendant Federal National Mortgage Association and First American Title Insurance Company’s First Amended Joint No-Evidence and Affirmative Motion for Summary Judgment against Plaintiff, signed on June 19, 2009;

(2) an “Order on Defendant Federal National Mortgage Association and First American Title Insurance Company’s First Amended Joint No-Evidence and Affirmative Motion for Summary Judgment against Intervenor, signed on June 19, 2009; and

(3) an “Order on Plaintiff and Intervenor’s Motion for New Trial, signed on August 27, 2009, which severed and designated as a separate cause the matters at issue in this appeal.

B. to remand the case to the trial court for rendition of judgment in accordance with the agreement of the parties, namely, entry in the original trial court cause—the order of severance being set aside—of an Agreed Order of Dismissal with Prejudice dismissing all claims between the Appellants and the Appellees.

The motion is granted. *See* TEX. R. APP. P. 42.1(a)(2)(B). Accordingly, we set aside the trial court’s judgment, which consists of:

(1) an “Order on Defendant Federal National Mortgage Association and First American Title Insurance Company’s First Amended Joint No-Evidence and Affirmative Motion for Summary Judgment against Plaintiff, signed on June 19, 2009;

(2) an “Order on Defendant Federal National Mortgage Association and First American Title Insurance Company’s First Amended Joint No-Evidence and Affirmative Motion for Summary Judgment against Intervenor, signed on June 19, 2009; and

(3) an “Order on Plaintiff and Intervenor’s Motion for New Trial, signed on August 27, 2009, which severed and designated as a separate cause the matters at issue in this appeal.

We remand this case to the trial court for rendition of judgment in accordance with the agreement of the parties: entry in the original trial court cause of an Agreed Order of Dismissal with Prejudice dismissing all claims between the Appellants and the Appellees.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis  
Motion granted; set aside and remanded  
Order issued and filed December 15, 2010