

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00275-CV

Daniel Wiegrefe, Appellant

v.

Jennifer Wiegrefe, Appellee

**FROM THE 368TH DISTRICT COURT OF WILLIAMSON COUNTY
NO. 16-0709-C368, THE HONORABLE RICK J. KENNON, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Daniel Wiegrefe has filed an unopposed motion to dismiss this appeal. Appellant states that the parties have reached a settlement agreement and asks the Court to 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 agreement. *See* Tex. R. App. P. 42.1(a)(2)(B). We grant appellant's motion in part. 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 parties' agreement.¹ *See id.*

¹ The parties also request that this Court dismiss the appeal. However, the appeal is disposed of by this Court's opinion and judgment setting aside the trial court's judgment and remanding the case to the trial court. This Court may dismiss an appeal pursuant to an agreement of the parties, but we are not permitted to dismiss and remand for further proceedings. *Compare* Tex. R. App. P. 43.2(e), (f) (court of appeals may "(e) vacate the trial court's judgment and dismiss the case; or (f) dismiss the appeal") *with id.* R. 42.1(a)(2)(B).

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Toth

Vacated and Remanded

Filed: November 2, 2018