



NUMBER 13-08-00549-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BANK OF SOUTH TEXAS,

Appellant,

v.

**OFELIA A. SOLIS & JOSE H. SOLIS
D/B/A JHS COMPANY,**

Appellees.

**On appeal from the 275th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Vela
Memorandum Opinion Per Curiam**

Appellant, Bank of South Texas, perfected an appeal from a judgment entered by the 275th District Court of Hidalgo County, Texas, in cause number C-1282-08-E. Appellant has filed a notice of dismissal of bankruptcy filing and motion to dismiss the appeal on grounds that the bankruptcy court has entered an order dismissing the

bankruptcy, and all matters in controversy between the parties have been resolved. Appellant requests that this Court dismiss the appeal.

On February 12, 2009, this Court abated the case due to the bankruptcy of one of the parties to this appeal. See 11 U.S.C. § 362; see *generally* TEX. R. APP. P. 8. On May 7, 2010, the bankruptcy court issued an order of dismissal. Accordingly, the case is hereby REINSTATED.

The Court, having considered the documents on file and appellant's motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellant's motion to dismiss is granted, and the appeal is hereby DISMISSED. In accordance with the agreement of the parties, costs are taxed against the party incurring same. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith. Any pending motions are dismissed as moot.

PER CURIAM

Delivered and filed the 27th
day of August , 2010.