



NUMBER 13-09-00095-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**SUNCHASE IV HOMEOWNERS ASSOCIATION, INC.
AND SUNCHASE BEACHFRONT CONDOMINIUM
ASSOCIATION,**

Appellants,

v.

DAVID ATKINSON,

Appellee.

**On appeal from the 404th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Yañez and Benavides and Vela
Memorandum Opinion Per Curiam**

This case is before the Court on an agreed motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2)(B). The parties have reached an agreement with regard to the disposition of the matters currently on appeal. Pursuant to agreement, the

parties request this Court reverse the summary judgment granting bill of review in cause Number 2004-04-2256-G, and subsequently severed into 2008-12-6868-G, without regards to the merits of the appeal, and remand this case to the trial court for rendition of judgment in accordance with the agreement.

We REVERSE the trial court's summary judgment granting bill of review, without reference to the merits, and REMAND this case to the trial court for further proceedings in accordance with the parties' agreement. See TEX. R. APP. P. 42.1(a)(2)(B), 43.2(d).

Costs will be taxed against appellants. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

PER CURIAM

Memorandum Opinion delivered and
filed this the 8th day of October, 2009.