



**NUMBER 13-09-00664-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**SOUTHERN NURSERIES, INC. AND KATHY GARFIELD, Appellants,**

**v.**

**MARIA GUADALUPE SOLIS, ET AL., Appellees.**

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**On appeal from the 93rd District Court  
of Hidalgo County, Texas.**

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**MEMORANDUM OPINION**

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

Appellants, Southern Nurseries, Inc. and Kathy Garfield, attempted to perfect an appeal from an order entered by the 93rd District Court of Hidalgo, County, Texas, in cause no. C-290-09-B. Appellants have filed a motion to dismiss the appeal on grounds that

there is no longer an issue in controversy. Appellants request that this Court dismiss the appeal.

The Court, having considered the documents on file and appellants' motion to dismiss the appeal, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED. 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."). Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the 11th  
day of February, 2010.