



aside the trial court's judgment without regards to the merits, and remand this case to the trial court for rendition of judgment in accordance with the agreement of the parties.

The unopposed motion to set aside the trial court's judgment and remand the case is GRANTED. Accordingly, we set aside the trial court's judgment without regard to the merits, and REMAND this case to the trial court for rendition of judgment in accordance with the parties' agreement. See TEX. R. APP. P. 42.1(a)(2)(B). Costs will be taxed against appellant. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

PER CURIAM

Delivered and filed the  
25th day of February, 2010.