



NUMBER 13-12-00478-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

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PARKDALE SHOPPING CENTER,

Appellant,

v.

DOLGENCORP OF TEXAS, INC.,

Appellee.

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On appeal from the County Court at Law No. 2 of  
Nueces County, Texas.

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## MEMORANDUM OPINION

Before Justices Rodriguez, Garza, and Perkes  
Memorandum Opinion Per Curiam

On August 15, 2013, this Court issued a memorandum opinion affirming the trial court's judgment. *See Parkdale Shopping Ctr. v. Dolgencorp of Texas, Inc.*, No. 13-12-00478-CV, 2013 WL 4331047 (Tex. App.—Corpus Christi Aug. 15, 2013, no pet.). Parkdale Shopping Center requested and received an extension of time to file a motion

for rehearing in this case until November 7, 2013. However, on October 29, 2013, the parties filed an “Agreed Motion to Remand Pursuant to Settlement.” According to the motion, the parties have settled this case. They request that the Court withdraw its opinion and judgment and remand the case to the trial court for rendition of judgment in accordance with their settlement agreement.

The Court, having examined and fully considered the agreed motion, is of the opinion that it should be granted. Accordingly, we GRANT the “Agreed Motion to Remand Pursuant to Settlement.” We withdraw our opinion and accompanying judgment and substitute this opinion and accompanying judgment in their place. See TEX. R. APP. P. 42.1(c). We set aside the trial court’s judgment without regard to the merits, and we remand the case to the trial court for rendition of judgment in accordance with the agreements. See *id.* R. 42.1(a)(2)(B). We dismiss all pending motions as moot. Pursuant to the agreement of the parties, costs will be taxed against the party incurring same. See *id.* R. 42.1(d) (“Absent agreement of the parties, the court will tax costs against the appellant.”).

IT IS SO ORDERED.

PER CURIAM

Delivered and filed the  
14th day of November, 2013.