



NUMBER 13-12-00563-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

REX MCMAHON,

Appellant,

v.

PATTI JO MCMAHON,

Appellee.

**On appeal from the 24th District Court
of De Witt County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez, and Justices Benavides and Perkes
Memorandum Opinion Per Curiam**

This case is before the Court on the "First Amended Agreed Judgment of Modification, or in the Alternative, Motion to Remand the Case to the Trial Court for Rendition of Judgment" filed jointly by the parties to this appeal. Through this motion, the parties invoke Texas Rule of Appellate Procedure 42.1 in requesting that we either render judgment effectuating the parties' agreement or remand this case to the trial court for the

rendition of judgment, and thereafter dismiss this appeal in its entirety. See generally TEX. R. APP. P. 42.1.

The Court, having examined and fully considered the joint motion filed by the parties herein, is of the opinion that it should be and is GRANTED. We set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement of the parties. See *id.* R. 42.1(a)(2)(B). The joint motion is silent regarding the assessment of costs for the appeal, so the costs will be taxed against appellant. See *id.* R. 42.1(d). The previous motion that was filed by the parties regarding the relief granted herein is DISMISSED as moot.

PER CURIAM

Delivered and filed the
28th day of December, 2012.