

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

IN THE ESTATE OF:	§	No. 08-08-00081-CV
ETHEL LADINE SWEZY STAMNITZ,	§	Appeal from the
DECEASED.	§	Probate Court No. 2
	§	of El Paso County, Texas
	§	(TC# 2006-P00369-2)
	§	

**MEMORANDUM OPINION**

Pending before the Court is an interlocutory appeal of an order rendered on February 19, 2008, by the Probate Court No. 2, El Paso County, Texas. Appellant now asks this Court to dismiss this appeal with prejudice for the reason that the parties have agreed to certain facts making this appeal moot. Appellee has not objected to the motion, and there is no indication that this Court's dismissal would prevent Appellee from seeking relief to which she would otherwise be entitled. *See* TEX. R. APP. P. 42.1(a)(1). We therefore grant the motion and dismiss the appeal with prejudice. Because the motion to dismiss is silent as to how to share costs, the costs will be taxed against Appellant. *See* TEX. R. APP. P. 42.1(d).

KENNETH R. CARR, Justice

October 23, 2008

Before Chew, C.J., McClure, and Carr, JJ.