



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

JOSHUA SPENCER,	§	No. 08-21-00221-CV
Appellant,	§	Appeal from the
v.	§	County Court at Law No. 3
U.S. BANK TRUST, N.A., AS TRUSTEE	§	of El Paso County, Texas
FOR LSF8 MASTER PARTICIPATION		
TRUST,	§	(TC# 2017-CCV00586
Appellee.	§	

MEMORANDUM OPINION

Before the Court is the parties' Joint Motion to Dismiss Appeal filed on April 7, 2022. The parties' assert they have reached an agreement to compromise and settle their differences regarding the subject of this appeal. By their motion, the parties ask for a dismissal of this appeal and for this Court to set aside, without regard to the merits, the trial court's order dated November 23, 2021, which granted Appellee's motion for sanctions against Appellant. Moreover, the parties ask that we remand the case to the trial court for rendition of judgment in accordance with their agreement. And finally, they ask that we order costs of the appeal be taxed against each party pursuant to their agreement.

Texas Rule of Appellate Procedure 42.1 sets forth the actions this Court may take in

accordance with an agreement signed by the parties or their attorneys and filed with the clerk. *See* TEX. R. APP. P. 42.1(a)(2). Pursuant to this rule, we may: “(A) render judgment effectuating the parties’ agreement; (B) 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; or (C) abate the appeal and permit proceedings in the trial court to effectuate the agreement.” TEX. R. APP. P. 42.1(a)(2).

Accordingly, we grant the agreed motion to effectuate settlement. *See* TEX. R. APP. P. 42.1(a)(2). We render judgment setting aside the trial court’s order of November 23, 2021, without regard to the merits. *See* TEX. R. APP. P. 42.1(a)(2)(B). We remand the case to the trial court for rendition of judgment in accordance with the parties’ agreement.¹ *See id.* Each party shall bear the costs of this appeal pursuant to their agreement.

GINA M. PALAFOX, Justice

April 29, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.

¹ Rule 42.1(a)(2) disposes of this appeal by rendering judgment setting aside the trial court’s order without regard to the merits, and further remands the case to the trial court for rendition of judgment in accordance with the agreement. *See* TEX. R. APP. P. 42.1(a)(2). Thus, we conclude there is no need for dismissal as requested.