

**DISMISS and Opinion Filed October 16, 2018**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-18-00134-CV**

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**KEITH HAMAKER, Appellant  
V.  
COLLIN CENTRAL APPRAISAL DISTRICT, Appellee**

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**On Appeal from the 366th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 366-04587-2016**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Evans, and Justice Brown  
Opinion by Chief Justice Wright

Before the Court is appellee's August 9, 2018 involuntary motion to dismiss the appeal on the ground that the appeal is moot as the parties have settled. Also before the Court is appellant's August 28, 2018 second motion to dismiss the appeal and request for sanctions.

The parties signed a settlement agreement on August 6, 2018. A copy of the parties' settlement agreement has been filed with the Court. The settlement agreement required appellant to dismiss the appeal no later than August 10, 2018. Appellant explains in his second motion to dismiss that his first motion to dismiss was "sent for filing on August 10, 2018 by USPS and apparently has been lost or misplaced."

In his motion to dismiss, appellant asks that the Court vacate the trial court's judgment and dismiss the appeal. The parties' settlement agreement does not provide for vacating the trial court's judgment. Moreover, the motion is not agreed.

We **DENY** appellant's request for sanctions and otherwise **GRANT** appellant's motion to the extent that we dismiss the appeal. *See* TEX. R. APP. P. 42.1(a). We **DENY** appellee's motion to dismiss as moot.

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

KEITH HAMAKER, Appellant

No. 05-18-00134-CV      V.

COLLIN CENTRAL APPRAISAL  
DISTRICT, Appellee

On Appeal from the 366th Judicial District  
Court, Collin County, Texas

Trial Court Cause No. 366-04587-2016.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that the parties bear their own costs of this appeal.

Judgment entered October 16, 2018.