

Opinion issued May 21, 2009



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-00027-CV

**PETER BRYANT MERRITT AND PETER B. MERRITT, LLC D/B/A
REALTY ASSOCIATES, Appellants**

V.

DONNA E. GUTIERREZ, Appellee

**On Appeal from the 113th District Court
Harris County, Texas
Trial Court Cause No. 2006-60592**

MEMORANDUM OPINION

The parties have filed a joint motion to dismiss the appeal, stating that they have reached a settlement of the matter and no longer desire to prosecute and defend

the appeal. No opinion has issued. Accordingly, the motion is granted, and the appeal is **dismissed**. See TEX. R. APP. P. 42.1(a)(2)(A).

Pursuant to their joint motion to dismiss the appeal, the Harris County District Clerk is **ORDERED** to release from its Registry all of the funds being held in Cause No. 2006-60592; *Donna E. Gutierrez v. Peter Bryant Meritt and Peter B. Merritt, LLC d/b/a Realty Associates*; in the 133rd District Court of Harris County, Texas, in Tendered Account No. 63109 and Supersedeas Account No. 64417, plus all interest accrued on these funds to Peter Bryan Merritt whose address is Peter Meritt, Realty Associates, 9525 Katy Frwy. #142, Houston, Texas 77024. *Id.*

All other pending motions in this appeal are overruled as moot. The Clerk is directed to issue mandate within 10 days of the date of this opinion. TEX. R. APP. P. 18.1.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Taft and Sharp.