

Dismissed and Memorandum Opinion filed January 14, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-09-00877-CV

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**SHIRLEY JEAN ESSMAN, TRUSTEE OF THE TESTAMENTARY TRUST  
ESTABLISHED UNDER THE WILL OF LEE C. ESSMAN, Appellant**

**V.**

**ROBERT SMITH and wife, INGRID SMITH, Appellees**

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**On Appeal from the 506th District Court  
Grimes County, Texas  
Trial Court Cause No. 31007**

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**MEMORANDUM OPINION**

This is an appeal from a summary judgment signed May 20, 2009. On January 5, 2010, appellant filed an unopposed motion to dismiss the appeal. *See* Tex. R. App. P. 42.1. The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.