

*Court of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-09-00348-CV

Mark **WYNNE** and Premier General Holdings, Ltd.,  
Appellants

v.

Dean **DAVENPORT** and Dillon Water Resources, L.P.,  
Appellees

From the 45th Judicial District Court, Bexar County, Texas  
Trial Court No. 2006-CI-11585  
Honorable Barbara Hanson Nellermeoe, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Santee Bryan Marion, Justice

Delivered and Filed: September 22, 2010

VACATED AND REMANDED

After receiving notice that one of the appellants was in bankruptcy, this appeal was abated. The parties have filed a joint motion, stating that the bankruptcy court approved a settlement reached by the parties and issued an order “declaring that the automatic bankruptcy stay is not in effect.” The motion requests that this court set aside the trial court’s judgment without regard to its merits and remand the cause for the entry of a judgment in accordance with the parties’ settlement agreement.

The appeal is reinstated on the docket of this court. The parties' motion is granted. The judgment of the trial court is set aside without regard to its merits, and the cause is remanded to the trial court for the entry of a judgment in conformity with the parties' settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B), 43.2(d), 43.2(e). Costs of the appeal are taxed against the parties who incurred them.

PER CURIAM