

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



MEMORANDUM OPINION

No. 04-10-00183-CV

Henry L. Hank **DESHAZER**,
Appellant

v.

Connie **CORTEZ**,
Appellee

From the 73rd Judicial District Court, Bexar County, Texas
Trial Court No. 2009-CI-11280
Honorable Michael P. Peden, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: September 15, 2010

DISMISSED

This is a restricted appeal from the trial court's September 9, 2009, default judgment in favor of Connie Cortez. Appellant Henry L. DeShazer has filed a verified motion to dismiss the appeal with each party bearing its own costs. DeShazer asserts the trial court has granted his bill of review and signed an order withdrawing and vacating the September 9, 2009 judgment. Appellant's counsel has certified that she has conferred with opposing counsel who does not oppose the motion.

Accordingly, we grant the motion. *See* TEX. R. APP. P. 42.1(a)(1). All costs of appeal are taxed against the party who incurred them. *See* TEX. R. APP. P. 42.1(d). We further order the Bexar County District Clerk to release to Henry L. DeShazer the cash deposit in lieu of supersedeas bond he filed on March 16, 2010.

PER CURIAM