

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



MEMORANDUM OPINION

No. 04-10-00406-CV

Majid **HOWIATDOST**,
Appellant

v.

Francisco C. **TOVAR** and Lucia R. Tovar,
Appellees

From the 38th Judicial District Court, Medina County, Texas
Trial Court No. 07-09-18598-CV
Honorable Camile G. Dubose, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: November 17, 2010

VACATED and REMANDED

Appellant has filed a motion requesting that we vacate the trial court's judgment without consideration of the merits, and remand the cause to the trial court for further proceedings in accordance with the settlement agreement. The motion is granted. Without consideration of the merits, we vacate the trial court's judgment dated March 30, 2010, and remand the cause to the trial court for rendition of judgment in accordance with the parties' settlement agreement. TEX.

R. APP. P. 42.1(a)(2)(B); *Caballero v. Heart of Tex. Pizza, L.L.C.*, 70 S.W.3d 180, 181 (Tex. App.—San Antonio 2001, no pet.). Costs of appeal are taxed against the party incurring the cost.

PER CURIAM