

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



**MEMORANDUM OPINION**

No. 04-11-00065-CV

Lloyd **MOODY**,  
Appellant

v.

Lisa **JACAMAN**, Prestige Development Company, Inc., Robert Jaime Laurel, Jr. and Robert James Homes, LLC,  
Appellees

From the 166th Judicial District Court, Bexar County, Texas  
Trial Court No. 2009CI09285  
Honorable Martha Tanner, Judge Presiding

Opinion by: Rebecca Simmons, Justice

Sitting: Karen Angelini, Justice  
Phylis J. Speedlin, Justice  
Rebecca Simmons, Justice

Delivered and Filed: July 18, 2012

**REVERSED AND REMANDED**

In this appeal, the parties mediated the unresolved portions of their dispute. On their joint motion, we abated this appeal for the parties to perform their obligations under their settlement agreement. Now, the parties have filed a joint motion to dismiss. Their motion states they have settled and resolved the conflicts between them and have completed mutually performing on their agreement except for disposing of the trial court's judgment. They move this court to set aside the trial court's judgment without regard to the merits of the case and

remand the cause to the trial court to render a take-nothing judgment in accordance with the terms of their settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2).

Therefore, we reinstate this appeal on the court's docket and grant the parties' joint motion. We reverse the trial court's judgment without regard to the merits and order the trial court to render a take-nothing judgment consistent with the parties' settlement agreement. *See id.* Costs of this appeal are taxed against the party that incurred them. *See id.* R. 42.1(d).

Rebecca Simmons, Justice