



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00169-CV

SHILOH ENTERPRISES, INC.,
Appellant

v.

FREP NEW BRAUNFELS, L.L.C.,
Appellee

From the 57th Judicial District Court, Bexar County, Texas
Trial Court No. 2008-CI-10605
Honorable Antonia Arteaga, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 8, 2014

VACATED AND REMANDED

The parties have filed an agreed motion stating they have reached a settlement in this case. In the motion, the parties ask us to dismiss this appeal, set aside the trial court's judgment without regard to the merits, remand the case to the trial court for rendition of judgment in accordance with their agreement, and tax costs of appeal against the party who incurred them.

Under the Texas Rules of Appellate Procedure, we may set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with an agreement of the parties. TEX. R. APP. P. 42.1(a)(2)(B). However, we are not

permitted to dismiss an appeal and remand for further proceedings. *In the Interest of C.D.O.*, 225 S.W.3d 610, 610 n.1 (Tex. App.—El Paso 2006, no pet.). Therefore, the parties' agreed motion is granted as follows. The trial court's judgment is set aside and the case is remanded to the trial court for rendition of judgment in accordance with the parties' agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B). Costs of appeal are taxed against the party who incurred them. *See* TEX. R. APP. P. 42.1(d). All other relief requested in the motion is denied.

PER CURIAM