



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

**MEMORANDUM OPINION**

No. 04-14-00530-CV

**BANK OF AMERICA, N.A.,**  
Appellant

v.

**TFHSP, L.L.C.,**  
Appellee

From the 408th Judicial District Court, Bexar County, Texas  
Trial Court No. 2014-CI-01820  
Honorable Solomon Casseb, III, Judge Presiding

PER CURIAM

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

Delivered and Filed: December 3, 2014

VACATED AND REMANDED

The parties have filed a “Joint Agreed Motion to Vacate Final Default Judgment and Remand to the Trial Court.” This is a restricted appeal. The parties represent that they have reviewed the clerk’s record and are in agreement that (1) appellant filed its notice of appeal within six months after the date the trial court signed the default judgment; (2) appellant was a party to the underlying lawsuit; (3) appellant did not participate in the hearing on Appellee’s Motion for Default Judgment and did not timely file any post-judgment motions or requests for findings of fact and conclusions of law; and (4) reversible error is clearly present on the face of the record.

*See Ins. Co. of Pa. v. Lejeune*, 297 S.W.3d 254, 255 (Tex. 2009). Thus, to avoid costs and for purposes of judicial economy, the parties jointly request that we (1) sign an order vacating the trial court's default judgment; (2) remand this cause to the trial court for further proceedings; and (3) order that each party bear its own costs and fees incurred as a result of this restricted appeal. *See Wilson v. Am. Builders & Contractors Supply Co.*, No. 01-12-00537-CV, 2012 WL 3234059, at \*1 (Tex. App.—Houston [1st Dist.] 2012, no pet.).

We grant the motion, vacate the trial court's judgment, remand this cause to the trial court for further proceedings consistent with this opinion, and order that each party bear its own costs and fees incurred as a result of this restricted appeal.

PER CURIAM