



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00342-CV

VILLA DIJON CONDOMINIUM ASSOCIATION, INC.
and Implicity Management Company,
Appellants

v.

Mary **WINTERS** and Mila Cheatom,
Appellees

From the 166th Judicial District Court, Bexar County, Texas
Trial Court No. 2015-CI-03926
Honorable John D. Gabriel, Jr., Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
 Luz Elena D. Chapa, Justice
 Jason Pulliam, Justice

Delivered and Filed: October 5, 2016

DISMISSED

In an appeal from a default judgment, appellants Villa Dijon Condominium Association, Inc., and Implicity Management Company asserted the trial court erred in concluding it did not have plenary jurisdiction to grant their motion for new trial. On September 7, 2016, this court held the trial court had plenary jurisdiction to rule on the motion for new trial and the trial court's refusal to act was remedial. Accordingly, this court abated this appeal and remanded the cause to the trial court with instructions to enter an order ruling on the motion for new trial.

This court has received a supplemental record showing the trial court granted the motion for new trial. Therefore, the memorandum opinion and judgment issued in this case on September 7, 2016 are withdrawn, and this appeal is reinstated on the docket of the court.

This appeal is dismissed.

PER CURIAM