



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

**MEMORANDUM OPINION**

No. 04-16-00438-CV

In the **ESTATE** of Joseph David **MARKS Sr.**, Deceased

From the Probate Court No. 1, Bexar County, Texas  
Trial Court No. 2015PC0155  
Honorable Kelly Cross, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: October 5, 2016

**MOTIONS TO DISMISS GRANTED; APPEAL DISMISSED**

As of this date, a clerk's record has not been filed. On August 26, 2016, however, appellees Joseph D. Marks Jr. and Jeffery Marks filed a motion to dismiss this appeal, arguing there is no final, appealable order from which appellant can appeal. On September 6, 2016, appellant Jo Ann Marks Rivera filed a motion to dismiss this appeal, admitting there is no final, appealable order. Accordingly, we grant both the appellant's and appellees' motions to dismiss. *See* TEX. R. APP. P. 42.1(a)(1). We order all costs assessed against appellant. *See id.* R. 42.1(d) (absent agreement of parties, costs are taxed against appellant).

PER CURIAM