



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00428-CV

Hedilberto **ARIAS**, Sr. and Prime Time Plumbing & Construction, Inc.,
Appellants

v.

TBF FINANCIAL,
Appellee

From the County Court at Law No. 10, Bexar County, Texas
Trial Court No. 2020-CV-05548
Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice
Irene Rios Justice
Beth Watkins, Justice

Delivered and Filed: October 27, 2021

JOINT MOTION TO SET ASIDE AND REMAND GRANTED; SET ASIDE AND REMANDED

This is a restricted appeal from a default judgment. The parties filed a joint motion requesting this court to set aside the trial court's judgment without regard to the merits and remand the case to the trial court for further proceedings in accordance with the parties' agreement. *See* TEX. R. APP. P. 42.1(a)(2). The motion does not recite any agreement of the parties as to costs.

We grant the motion. The judgment of the trial court is set aside without reference to the merits and the case is remanded to the trial court for proceedings in accordance with the agreement

of the parties. All costs of this appeal shall be taxed against appellant. *See* TEX. R. APP. P. 42.1(d) (“Absent agreement of the parties, the court will tax costs against the appellant.”).

PER CURIAM