

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-14-00325-CV**

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**FORT APACHE ENERGY, INC., R. KEITH MORRIS, III,  
ADMINISTRATOR OF THE ESTATE OF VANNIE HRIVNATZ, DAVID  
JACOB HRIVNATZ, IN HIS CAPACITY AS PERMANENT GUARDIAN  
OF THE PERSON AND ESTATE OF DAVID ALLAN HRIVNATZ, AN  
INCAPACITATED PERSON, AND HARRY G. HRIVNATZ JR., Appellants**

**V.**

**RESACA RESOURCES, LLC, ET AL, Appellees**

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**On Appeal from the 88th District Court  
Tyler County, Texas  
Trial Cause No. 22494**

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**MEMORANDUM OPINION**

R. Keith Morris, III, Administrator of the Estate of Vannie Hrivnatz, filed a motion to dismiss his appeal. The motion is voluntarily made by Morris prior to any decision of this Court. *See* Tex. R. App. P. 42.1(a)(1). Other parties also filed notice of appeal but have not joined the motion to dismiss the appeal. A severable portion of an appeal may be dismissed if it will not prejudice the remaining parties.

*See* Tex. R. App. P. 42.1(b). No party filed an objection to granting the motion to dismiss.

The motion to dismiss is granted and the appeal of R. Keith Morris, III, Administrator of the Estate of Vannie Hrivnatz, is dismissed. *See* Tex. R. App. P. 42.1(a)(1). The appeals by Fort Apache Energy, Inc., David Jacob Hrivnatz, in his capacity as Permanent Guardian of the Person and Estate of David Allan Hrivnatz, an Incapacitated Person, and Harry G. Hrivnatz Jr. shall proceed in due course on the Court's active docket. *See generally* Tex. R. App. P. 42.1(b). We direct the Clerk of the Court to re-style the appeal as *Fort Apache Energy, Inc., David Jacob Hrivnatz, in his capacity as Permanent Guardian of the Person and Estate of David Allan Hrivnatz, an Incapacitated Person, and Harry G. Hrivnatz Jr. v. Resaca Resources, LLC, et al.*

APPEAL DISMISSED IN PART.

PER CURIAM

Submitted on March 4, 2015  
Opinion Delivered March 5, 2015

Before McKeithen, C.J., Kreger and Horton, JJ.