



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-08-277-CV**

ALLAN C. TATE AND DEB TATE  
SPENCER

APPELLANTS

V.

LARRISON CONSTRUCTION, INC.  
AND SAFECO INSURANCE  
COMPANY OF AMERICA

APPELLEES

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FROM THE 342ND DISTRICT COURT OF TARRANT COUNTY  
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**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**  
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Appellants Allan C. Tate and Deb Tate Spencer filed a notice of appeal of the trial court's final judgment dated March 27, 2008. On January 21, 2009, this court granted the "Motion to Withdraw As Counsel" filed by Appellants' counsel and ordered that Appellants' brief be due March 9, 2009. On February

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<sup>1</sup> [See](#) Tex. R. App. P. 47.4.

11, 2009, Appellants, acting pro se, notified this court by a signed letter that they “elect to not . . . pursue an appeal of this case.”<sup>2</sup> We construe this document as a motion to dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.1(a)(1). Tex. R. App. P. 42.1(a)(1). Having considered the motion, it is the court’s opinion that the motion should be granted; therefore, we dismiss the appeal. See Tex. R. App. P. 42.1(a)(1), 43.2(f).


Costs of the appeal shall be incurred by the party incurring the same, for which let execution issue. See Tex. R. App. P. 43.4.

PER CURIAM

PANEL: MEIER, J.; CAYCE, C.J.; and MCCOY, J.

DELIVERED: June 18, 2009

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<sup>2</sup>  Appellants also elected not to file an appellate brief.