



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

NO. 02-14-00350-CV

BNSF RAILWAY COMPANY

APPELLANT

V.

TRYER PROPERTIES, LLC

APPELLEE

FROM THE 78TH DISTRICT COURT OF WICHITA COUNTY
TRIAL COURT NO. 177,588B

MEMORANDUM OPINION¹ AND JUDGMENT

We have considered appellant's "Notice of Settlement and Agreed Motion to Dismiss Appeal." 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 paid by the party incurring the same, for which let execution issue. See Tex. R. App. P. 42.1(d).

¹See Tex. R. App. P. 47.4.

PER CURIAM

PANEL: LIVINGSTON, C.J.; DAUPHINOT and GARDNER, JJ.

DELIVERED: September 17, 2015