



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-17-00097-CV

ESTATE OF MICHAEL LYNN LUCE, DECEASED

On Appeal from County Court at Law No. 2
Parker County, Texas
Trial Court No. CIV-16-0132

Before Kerr, Pittman, and Birdwell, JJ.
Memorandum Opinion by Justice Kerr

MEMORANDUM OPINION AND JUDGMENT

We issued an opinion and judgment in this case on November 15, 2018. Appellant/Cross-Appellee GayeLynne Luce timely moved to extend the time for filing a motion for rehearing three times, and we granted each requested extension. *See* Tex. R. App. P. 19.1, 49.8. Her timely filed fourth motion for extension of time is currently pending. *See* Tex. R. App. P. 19.1, 49.8.

On February 27, 2018, the parties filed a “Joint Motion to Vacate Court of Appeals Judgment and Remand to the Trial Court” stating that the parties have settled and asking us to vacate our judgment and to reverse and remand the case to the trial court for entry of a final judgment implementing the settlement. We grant the motion. Accordingly, we withdraw our November 15, 2018 judgment, and we set aside the trial court’s judgment without regard to the merits and remand the case to the trial court for entry of judgment in accordance with the parties’ settlement agreement.¹ *See* Tex. R. App. P. 42.1(a)(2)(B), 43.2(d); *Innovative Office Sys., Inc. v. Johnson*, 911 S.W.2d 387, 388 (Tex. 1995) (order).

We tax appellate costs against the party who incurred them.² *See* Tex. R. App. P. 42.1(d).

¹The parties have not requested that we withdraw our majority and concurring opinions, and we do not do so. *See* Tex. R. App. P. 42.1(c).

²Unless the parties move to expedite the mandate, our clerk will issue it in accordance with rule 18.1. *See* Tex. R. App. P. 18.1.

We overrule “Appellant GayeLynne Luce’s Fourth Unopposed Motion for Extension of Time to File Motion for Rehearing.”

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

Delivered: March 21, 2019