

NO. 07-03-0394-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
APRIL 30, 2004

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NATIONAL FIVE STARS, INC. D/B/A EXXON TRAVEL CENTER  
AND ALL OCCUPANTS, APPELLANT

V.

BOC ACQUISITIONS, L.L.C., APPELLEE

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FROM THE COUNTY COURT OF WILBARGER COUNTY;  
NO. 4371; HONORABLE GARY B. STREIT, JUDGE

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Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

**MEMORANDUM OPINION**

On April 12, 2004, appellant filed a Motion to Dismiss pursuant to agreement of the parties. The motion includes a certificate of conference and a certificate of service that counsel for appellee was served a copy of the motion by first class mail on April 9, 2004. Appellee has no opposition to this Motion.

Accordingly, without passing on the merits of the case, appellant's Motion to Dismiss is granted and the appeal is hereby dismissed. TEX. R. APP. P. 42.1(a)(1).

Phil Johnson  
Chief Justice