

NO. 07-04-0385-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
SEPTEMBER 8, 2004

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IN THE MATTER OF THE MARRIAGE OF CESLIE LYN  
HERNDON AND BRIAN JACK HERNDON AND IN THE  
INTEREST OF ALISSA KAYLYN HERNDON AND  
WILLIAM HENRY HERNDON, CHILDREN

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FROM THE 294th DISTRICT COURT OF VAN ZANDT COUNTY;  
NO. 03-00798; HON. TERESA A. DRUM, PRESIDING

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***On Motion to Dismiss***

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

Brian Jack Herndon, appellant, by and through his attorney, has filed a motion to dismiss this appeal because the parties have fully compromised and settled all issues in dispute and have agreed on a trial court judgment nunc pro tunc. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2) and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Per Curiam