

NO. 07-05-0001-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
JANUARY 6, 2005

KENNETH KENNEDY AND TWILA AUFILL, INDEPENDENT EXECUTRIX
OF THE ESTATE OF JACK L. AUFILL, DECEASED, APPELLANTS

V.

V'RHETT WILLIAMS, APPELLEE

FROM THE 72ND DISTRICT COURT OF CROSBY COUNTY;
NO. 5670; HONORABLE J. BLAIR CHERRY, JUDGE

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

MEMORANDUM OPINION

Appellant Twila Aufill, Independent Executrix of the Estate of Jack L. Aufill, Deceased, and Kenneth Kennedy filed separate notices of appeal challenging the trial court's judgment in favor of appellee V'Rhett Williams. Pending before this Court is Aufill's motion to dismiss her appeal by which she represents that all matters in controversy

between her and Williams have been compromised and settled. Afill represents, however, that appellant Kenneth Kennedy is not a party to the motion to dismiss. Pursuant to Afill's request, by order of severance in cause number 07-04-0498-CV that portion of the appeal between her and Williams was severed into this cause to consider the motion to dismiss.

Without passing on the merits of the appeal between Afill and Williams, we grant the motion and dismiss the appeal. Tex. R. App. P. 42.1(a). That portion of the appeal between Kenneth Kennedy and V'Rhett Williams remains pending in cause number 07-04-0498-CV and will proceed in due course. Having dismissed the appeal between Afill and Williams at their request, no motion for rehearing will be entertained and our mandate will issue forthwith. Afill and Williams have agreed to bear their own costs in this appeal.

It is so ordered.

Per Curiam