

NO. 07-05-0239-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
SEPTEMBER 29, 2005

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OAKWIND, LTD., APPELLANT

V.

TGI FRIDAYS, INC., APPELLEE

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FROM THE 17TH DISTRICT COURT OF TARRANT COUNTY;  
NO. 017-209288-04; HONORABLE FRED W. DAVIS, JUDGE

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

**MEMORANDUM OPINION**

Appellant Oakwind, Ltd. appealed a summary judgment in favor of appellee TGI Fridays, Inc. for a claim on common area maintenance charges due under a lease. Pending before this Court is a joint motion to dismiss the appeal by which the parties represent Oakwind no longer wishes to pursue the matter.

Without passing on the merits of the appeal, we grant the motion and dismiss the appeal. Tex. R. App. P. 42.1(a). Pursuant to the motion, costs are to be assessed against the party incurring them. Having dismissed the appeal at the request of the parties, no motion for rehearing will be entertained and our mandate will issue forthwith.

Don H. Reavis  
Justice