

NO. 07-12-00456-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
FEBRUARY 21, 2013

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JORDAN A. SEIBERT, APPELLANT

v.

THE SCOOTER STORE, LTD: JACKIE WALSH AND  
MICHELLE WALSH, APPELLEES

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FROM THE 433RD DISTRICT COURT OF COMAL COUNTY;

NO. C2011-0172A; HONORABLE DIB WALDRIP, JUDGE

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

### **MEMORANDUM OPINION**

On February 13, 2013, the parties to this appeal filed a joint motion to set aside judgment and remand on the basis that the parties have reached a settlement agreement on all matters in controversy. Because this motion complies with the requirements of Texas Rule of Appellate Procedure 42.1(a)(2)(B), we grant the motion. Accordingly, the trial court's May 14, 2012, and July 10, 2012 summary judgment orders are set aside, without consideration of the merits, and this cause is remanded to the trial court for rendition of judgment in accordance with the settlement agreement of the parties. See TEX. R. APP. P. 42.1(a)(2)(B). The motion further indicates that the parties

agree to bear their own costs incurred by this appeal. See TEX. R. APP. P. 42.1(d).  
Because the motion is jointly filed by each of the parties, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Mackey K. Hancock  
Justice