



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-15-00186-CV

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**JAMES ELDON WHITMAN, APPELLANT**

**V.**

**JOHN DREW AND AMY DREW, APPELLEES**

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On Appeal from the 46th District Court  
Foard County, Texas  
Trial Court No. 4789, Honorable Dan Mike Bird, Presiding

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**May 13, 2015**

**MEMORANDUM OPINION**

**Before CAMPBELL and HANCOCK and PIRTLE, JJ.**

On May 6, 2015, appellant, James Eldon Whitman, filed a motion to dismiss his appeal that complies with the requirements of Texas Rule of Appellate Procedure 42.1(a)(1). No decision of this Court having been delivered to date and without passing on the merits of the appeal, we grant the motion and dismiss appellant's appeal. See TEX. R. APP. P. 42.1(a)(1). While appellant requests that costs be assessed against the party incurring them, there is no indication in the motion that such an arrangement has been agreed to by the parties. As such, costs will be taxed against appellant. See TEX.

R. APP. P. 42.1(d). If dismissal will prevent appellees from seeking relief to which they would otherwise be entitled, the Court directs appellees to file a timely motion for rehearing. No motion for rehearing from appellant will be entertained.

Mackey K. Hancock  
Justice