



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

---

No. 07-15-00387-CV

---

**IN THE ESTATE OF EUGENIA H. MONTGOMERY, DECEASED**

---

On Appeal from the County Court  
Potter County, Texas  
Trial Court No. 30436-P, Honorable Nancy Tanner, Presiding

---

October 7, 2016

**MEMORANDUM OPINION**

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

On September 30, 2016, appellant, Kirk H. Montgomery, filed a document entitled "Appellant's Agreed Motion to Dismiss with Prejudice" 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, at appellant's request, dismiss appellant's appeal. See TEX. R. APP. P. 42.1(a)(1). The Court further grants the parties' agreement that costs be taxed against the party incurring the same. See TEX. R. APP. P. 42.1(d). As appellee has

affirmatively indicated that she does not oppose the dismissal, no motion for rehearing will be entertained and mandate will issue forthwith.

Per Curiam