



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

No. 07-23-00032-CV

RICHARD DUARTE AND CBRE, INC., APPELLANTS

V.

XENIA ROBERTS AND JAMES ROBERTS, APPELLEES

On Appeal from the 261st District Court
Travis County, Texas
Trial Court No. D-1-GN-20-007736, Honorable Maria Cantú Hexsel, Presiding

June 8, 2023

MEMORANDUM OPINION

Before **QUINN, C.J.**, and **PARKER** and **YARBROUGH, JJ.**

Appellants, Richard Duarte and CBRE, Inc., appeal from the trial court's judgment.¹ On April 19, 2023, we abated the appeal, pursuant to the parties' request, to allow the parties time to finalize settlement of the underlying action. Now pending before this Court is the parties' joint motion to dismiss the appeal as a result of their settlement.

¹ Originally appealed to the Third Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001.

The Court finds that the motion to dismiss complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent any party from seeking relief to which it would otherwise be entitled. As no decision of the Court has been delivered to date, we reinstate the appeal and grant the motion. The appeal is dismissed. Pursuant to the motion, costs shall be taxed against the parties that incurred them. See TEX. R. APP. P. 42.1(d). No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam