



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

No. 07-23-00038-CV

ELKIN-BORGELT, LLC AND SHERRY ELKIN, APPELLANTS

V.

**ESTATE OF ROGER WALDO BORGELT, INDIVIDUALLY AND DERIVATIVELY ON
BEHALF OF ELKIN-BORGELT, LLC, APPELLEE**

On Appeal from the 207th District Court
Hays County, Texas
Trial Court No. 21-0744, Honorable S. K. Tibbe, Presiding

April 12, 2023

MEMORANDUM OPINION

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

Appellants, Elkin-Borgelt, LLC and Sherry Elkin, appeal from the trial court's order.¹ Now pending before this Court is Appellants' unopposed motion seeking voluntary dismissal of the appeal. The Court finds that the motion complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent

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.

any party from seeking relief to which it would otherwise be entitled. As no decision of the Court has been delivered to date, we grant the motion. The appeal is dismissed. Because the motion does not reflect an agreement of the parties concerning the payment of costs, costs will be taxed against Appellants. See TEX. R. APP. P. 42.1(d). No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam