



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-13-00114-CV

JAMES N. VISSERING, Appellant

V.

WHEATVILLE CEMETERY ASSOCIATION, Appellee

On Appeal from the 276th District Court
Morris County, Texas
Trial Court No. 24,320

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

The parties have filed with this Court an agreed motion to set aside the trial court's judgment and remand the case to the trial court. The parties represent to this Court that they have reached a full and final settlement and ask us to remand the case to the trial court for approval of that settlement. In such a case, no real controversy exists, and in the absence of a controversy, the appeal is moot.

We grant the motion. We set aside the judgment of the trial court without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the parties' settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2)(B). Unless otherwise agreed by the parties, costs on appeal are divided equally between the parties.

We dismiss the appeal.

Bailey C. Moseley
Justice

Date Submitted: November 13, 2013
Date Decided: November 14, 2013