



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

No. 06-16-00027-CV

DONALD WILCOX AND PRAIRIE DOG INVESTMENTS, LLC, Appellants

V.

REBECCA STAPLES AND CLIFF STAPLES, Appellees

On Appeal from the 7th District Court
Smith County, Texas
Trial Court No. 14-1132-A

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

MEMORANDUM OPINION

Donald Wilcox and Prairie Dog Investments, LLC, the Appellants, have filed a motion to dismiss this interlocutory appeal¹ in which they indicate that the parties have reached a full and final settlement of their disputes. In such a case, no real controversy exists, and in the absence of a controversy, the appeal is moot.

On April 18, 2016, we issued an order temporarily staying (1) all proceedings and activities in trial court cause number 14-1132-A and (2) all actions by the court-appointed receiver in and related to trial court cause number 14-1132-A, other than any actions needed to protect the property already in the receiver's possession. That stay was conditioned on the Appellants posting a \$7,500.00 cash or corporate bond in the trial court, which they did. Then, by order of May 2, 2016, we extended that stay "up to and including the date on which the final opinion and judgment resolving this interlocutory appeal issue." We note that by the terms of our May 2, 2016, order, the stay is lifted effective one day after the date this memorandum opinion issues, or was decided.

We grant the Appellants' motion to dismiss this appeal, and in accord with Rule 42.1(a)(2)(C) of the Texas Rules of Appellate Procedure, we abate the matter to the trial court with instructions to conduct any proceedings necessary to effectuate the parties' settlement agreement. *See* TEX. R. APP. P. 42.1(a)(2)(C). Specifically, we instruct the trial court, as part of those proceedings, to enter an order directing the Smith County District Clerk to disburse the \$7,500.00 cash bond posted by the Appellants in compliance with our April 18 order to the Appellees,

¹Originally appealed to the Twelfth Court of Appeals in Tyler, this case was transferred to this Court by the Texas Supreme court. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

Rebecca Staples and Cliff Staples, in the care of their attorney, Ralph Allen. Costs of this appeal are taxed against the party that incurred them.

We dismiss the appeal.

Bailey C. Moseley
Justice

Date Submitted: June 14, 2016
Date Decided: June 15, 2016