



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

No. 06-18-00022-CV

MIKE GREEN D/B/A RESIDENTIAL INSPECTIONS,
AND CRAIG CUNNINGHAM, Appellants

V.

SOUTHERN COUNTY MUTUAL INSURANCE COMPANY, Appellee

On Appeal from the 114th District Court
Smith County, Texas
Trial Court No. 15-2067-B

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

MEMORANDUM OPINION

The parties to this appeal¹ have jointly filed a motion representing that they have settled the underlying dispute and requesting that this Court vacate the trial court's judgment, dismiss the appeal, and dismiss the underlying suit.

“An intermediate court of appeals is authorized to vacate the trial court's judgment and dismiss the underlying case.” *Sepada v. Barnes*, No. 12-08-00271-CV, 2009 WL 1492843, at *1 (Tex. App.—Tyler May 29, 2009, no pet.) (mem. op.) (citing TEX. R. APP. P. 43.2(e)). “Moreover, we may also dispose of an appeal pursuant to an agreement of the parties.” *Id.* (citing TEX. R. APP. P. 42.1(a)(2)).

Accordingly, we grant the parties' joint motion. Without consideration of the merits, we vacate the trial court's November 29, 2017, final judgment, dismiss the trial court case, dismiss this appeal, and order that all costs be borne by the party that incurred them.

Josh R. Morriss, III
Chief Justice

Date Submitted: July 2, 2018
Date Decided: July 3, 2018

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We follow the precedent of the Twelfth Court of Appeals in deciding this case. *See* TEX. R. APP. P. 41.3.