



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00232-CV

**SMITHTEX, LLP, SMITH PROPERTIES, LLP,
STEVEN F. SMITH, STUART N. R. SMITH,
NORMAN L. SMITH, AND SEVEN-O CORPORATION,
Appellants**

v.

**CHARLES DEMOTT AND BRENDA CALVERT,
INDIVIDUALLY, AND AS REPRESENTATIVES
OF THE ESTATE OF JONATHAN DEMOTT,
CYNTHIA DEMOTT, INDIVIDUALLY,
AND AS REPRESENTATIVES OF THE ESTATE
OF ELIZABETH PICKENS AND DAVID PICKENS,
AND KATE L. MASSEY,
Appellees**

**From the 361st District Court
Brazos County, Texas
Trial Court No. 07-002138-CV-361**

MEMORANDUM OPINION

In this interlocutory appeal, Appellants SmithTex, LLP, Seven-O Corporation, Smith Properties, LLP, Steven F. Smith, Stuart N.R. Smith, and Norman L. Smith appealed the trial court's April 29, 2009 order denying their motions to transfer venue.

The parties filed a “joint motion to implement agreement for disposition of interlocutory appeal,” which asked us to set aside the trial court’s April 29, 2009 order without regard to the merits, to abate this appeal, and to direct the trial court to sign an order transferring venue of the entire case to Cass County. After direction and on notice that the transfer order has been signed, we dismiss this appeal as moot and will issue our mandate within ten days.

Dismissal of this appeal does not prevent a party from seeking relief to which it would otherwise be entitled. *See* TEX. R. APP. P. 42.1(a).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
Appeal dismissed
Opinion delivered and filed December 22, 2010
[CV06]