



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-09-00388-CV**

**C.D.S. ENTERPRISES, INC. D/B/A  
TEXCON GENERAL CONTRACTORS,  
JOE SCHULTZ AND CIVIL DEVELOPMENT, LTD.,**  
**Appellants**

**v.**

**MAIN STREET HOMES-CS, LTD.,**  
**Appellee/Cross-Appellant**

**v.**

**RICK AND MARIA YOUNG, LARRY AND  
JONNE YOUNG, JACK AND DONNA WINSLOW,  
RICHARD AND KAREN MILLER, LEE AND  
JOANIE MCCLESKEY, GREG AND  
CATHY TAYLOR,**  
**Appellees**

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**From the 85th District Court  
Brazos County, Texas  
Trial Court No. 07-000019-CV-85**

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**MEMORANDUM OPINION**

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Appellants have filed "Appellants' Agreed Voluntary Dismissal Motion" in this

appeal. *See* TEX. R. APP. P. 42.1(a)(1). It states that Appellants voluntarily seek dismissal and that Cross-Appellant's counsel has advised that Cross-Appellant does not seek affirmative relief. The certificate of conference also states that counsel for all parties agree to the relief sought in the motion.

Dismissal of this appeal would not prevent a party from seeking relief to which it would otherwise be entitled. The motion is granted, and the appeal is dismissed.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis  
Motion granted; appeal dismissed  
Opinion delivered and filed May 19, 2010  
[CV06]