



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00405-CV

**JOHN BURNS, INDIVIDUALLY
AND DERIVATIVELY ON BEHALF OF
WAXAHACHIE HERITAGE PARTNERS, LLC,**

Appellants

v.

**SWS GROUP, INC. D/B/A SOUTHWEST
SECURITIES, FSB, RUSSELL PHILLIPS,
BRAD OWENS, RHETT MILLER III,
PETER BROWN, DUSTIN AUTREY,
JAMES HOWARD, AND DOES 1-10,**

Appellees

**From the 40th District Court
Ellis County, Texas
Trial Court No. 87704**

MEMORANDUM OPINION

Appellants, John Burns, individually and derivatively on behalf of Waxahachie Heritage Partners, LLC, have filed an unopposed motion to dismiss this appeal, stating that they have “resolved their differences” with appellees, SWS Group, Inc. d/b/a

Southwest Securities, FSB, Russell Phillips, Brad Owens, Rhett Miller III, and Peter Brown. *See* TEX. R. APP. P. 42.1(a)(1). Dismissal of this appeal would not prevent the parties from seeking relief to which they would otherwise be entitled. The motion is granted, and the appeal is dismissed.

Absent a specific exemption, the Clerk of the Court must collect filing fees at the time a document is presented for filing. TEX. R. APP. P. 12.1(b); Appendix to TEX. R. APP. P., Order Regarding Fees (amended Aug. 28, 2007, eff. Sept. 1, 2007); *see id.* at R. 5; *see also* 10TH TEX. APP. (WACO) LOC. R. 5; TEX. GOV'T CODE ANN. §§ 51.207(b), 51.208, 51.941(a) (West 2013). Under these circumstances, we suspend the rule and order the Clerk to write off all unpaid filing fees in this case. TEX. R. APP. P. 2. The write-off of the fees from the accounts receivable of the Court in no way eliminates or reduces the fees owed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion granted; appeal dismissed
Opinion delivered and filed February 13, 2014
[CV06]