



IN THE
TENTH COURT OF APPEALS

No. 10-18-00172-CV

M&J BRAZOS VALLEY PROPERTY
HOLDINGS, LTD., AND MARK HOMEYER,

Appellants

v.

CHRISTOPHER AND KATIE STAVINOHA,

Appellees

From the 21st District Court
Burleson County, Texas
Trial Court No. 27,466

MEMORANDUM OPINION

The parties have filed an agreed motion in which they ask this Court to vacate the trial court's judgment, dismiss the suit in the trial court, and dismiss this appeal. The parties have reached an agreement to settle their differences in the underlying proceeding.

We have no authority to vacate the trial court's judgment, dismiss the suit in the trial court, *and* dismiss the appeal. We have the authority, however, to vacate the trial

court's judgment and dismiss the case by agreement of the parties. *See* TEX. R. APP. P. 42.1(a)(2)(A); 43.2(e).

Accordingly, the "Agreed Motion to Dismiss Appeal, Vacate Trial Court Judgment, and Dismiss Suit" is granted to the extent authorized. The trial court's Final Judgment, signed on April 18, 2018 is vacated and the case is dismissed with prejudice. TEX. R. APP. P. 42.1(a)(2)(A); 43.2(e). Because the Court was unable to grant the entirety of the parties' motion, the Court has endeavored to implement the substance of the parties' agreed motion to achieve the same result. If the parties determine that the judgment of the Court does not accomplish the parties' intended result, a timely motion for rehearing must be filed which addresses the manner in which the Court can implement the agreement of the parties within the limitations of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.1; 49.1.

Pursuant to the agreement of the parties, it is further ordered that all costs are taxed against the party incurring the same. *See id.* 42.1(d).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion granted; judgment vacated; case dismissed
Opinion delivered and filed January 9, 2019
[CV06]

