

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00079-CV

**Gerald Clayton Merwin a/k/a Jerry Clayton Merwin, Individually
and d/b/a Preston Car Stereo, Appellant**

v.

Nova Information Systems, Inc., Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. 286,595, HONORABLE J. DAVID PHILLIPS, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Gerald Clayton Merwin a/k/a Jerry Clayton Merwin, Individually and d/b/a Preston Car Stereo and Appellee Nova Information Systems, Inc. have agreed to set aside the default judgment made the basis of this appeal and have filed a joint motion to set aside the trial court's judgment and remand this case to the trial court. We grant the motion, set aside the trial court's judgment without regard to the merits, and remand the cause to the trial court. Tex. R. App. P. 42.1(a)(2)(B).

Bob Pemberton, Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Vacated and Remanded

Filed: June 8, 2006