

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00351-CV

Harrington Custom Homes, Inc., Appellant

v.

Javier Resendez and Servando Cruz d/b/a Elegant Cabinets, Appellees

**FROM THE COUNTY COURT AT LAW NO. 2 OF TRAVIS COUNTY, NO.C-1-CV-05-001787,
HONORABLE ORLINDA NARANJO, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Harrington Custom Homes, Inc. and appellees Javier Resendez and Servando Cruz d/b/a Elegant Cabinets have filed a joint motion to dismiss requesting reversal of the trial court's default judgment, remand of the cause, and dismissal of this appeal pursuant to the parties' agreement to set aside the judgment. Pursuant to the parties' agreement, we grant the motion in part, set aside the trial court's default judgment without regard to the merits, and remand the cause to the court for further proceedings. Tex. R. App. P. 42.1 (a)(2)(B).

Bob Pemberton, Justice

Before Justices B. A. Smith, Puryear and Pemberton

Vacated and Remanded

Filed: September 28, 2006