

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00327-CV

American Premier Homes, LLC, Appellant

v.

Silvia Ciuffetelli, Appellee

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 26TH JUDICIAL DISTRICT
NO. 11-1027-C26, HONORABLE BILLY RAY STUBBLEFIELD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant American Premier Homes, LLC has filed an agreed motion to dismiss this appeal on the ground that the trial court granted its motion for new trial. *See* Tex. R. Civ. P. 329b(e) (if motion for new trial timely filed, trial court has plenary power to grant new trial until thirty days after all such timely filed motions are overruled, either by written and signed order or by operation of law). We dismiss the appeal for lack of jurisdiction. *See* Tex. R. App. P. 42.3(a).

J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Rose and Goodwin

Dismissed for Want of Jurisdiction

Filed: September 28, 2012