

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00650-CV

Chisholm Trail Elks Lodge No. 2659, Appellant

v.

MT Falkin Investments, L.L.C., Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 126TH JUDICIAL DISTRICT
NO. D-1-GN-11-001473, HONORABLE JOHN K. DIETZ, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Chisholm Trail Elks Lodge No. 2659 has filed a motion to dismiss this appeal. Appellant also asks that we assess court costs against appellee MT Falkin Investments, L.L.C. Appellee does not oppose dismissing the appeal, but objects to paying the court costs. When an appeal is voluntarily dismissed, “[a]bsent agreement of the parties, the court will tax costs against the appellant.” Tex. R. App. P. 42.1(d). Therefore, we grant appellant’s motion in part, dismiss the appeal, and assess court costs against the appellant.

Scott K. Field, Justice

Before Justices Puryear, Goodwin, and Field

Dismissed on Appellant’s Motion

Filed: June 6, 2014