

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00249-CV

In re Rebecca Mayer

ORIGINAL PROCEEDING FROM MILAM COUNTY

MEMORANDUM OPINION

Relator Rebecca Mayer has filed a motion to dismiss this mandamus proceeding as moot. Mayer’s petition for writ of mandamus asked this Court to direct the county court to vacate its order transferring a will contest to Milam County District Court instead of seeking the appointment of a statutory probate judge as requested by Mayer. *See* Tex. Gov’t Code § 22.221; *see also* Tex. R. App. P. 52.1. In her motion, Mayer advises the Court that in addition to her petition for writ of mandamus, Mayer filed a first amended plea to the jurisdiction in Milam County District Court. The district court granted the plea and transferred the will contest back to the Milam County Court. The county court judge subsequently signed an order granting Mayer’s request for assignment of a statutory probate court judge, rendering this mandamus proceeding moot. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex.2005) (“A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings”). The real party in interest has not opposed Mayer’s motion. Therefore, we grant the motion and dismiss this mandamus proceeding as moot.

Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Field and Bourland

Filed: June 2, 2017