



**NUMBER 13-11-00204-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**MORRELL MASONRY SUPPLY INC., ET AL.,** **APPELLANTS,**

**v.**

**SEAN FERGUSON AND TIFFANY FERGUSON,** **APPELLEES.**

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**On Appeal from the 9th District Court  
of Montgomery County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Vela, and Perkes  
Memorandum Opinion Per Curiam**

This cause is before the Court on the record and the parties' joint motion to dismiss appeal. The parties request that this Court dismiss the appeal and cross-appeal on grounds that the parties have reached an agreement to settle and compromise their differences.

The Court, having considered the documents on file and the parties' motion, is of the opinion that the motion should be granted. See TEX. R. APP. P. 42.1(a). The joint motion to dismiss is granted, and the appeal and cross-appeal are hereby DISMISSED. In accordance with the agreement of the parties, costs are taxed against the party incurring same. See TEX. R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal and cross-appeal at joint request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Delivered and filed the  
4th day of August, 2011.