



NUMBER 13-12-00072-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

CENTURY SURETY COMPANY,

Appellant,

v.

**JOHN DELOACH D/B/A DELOACH
VACUUM SERVICE AND DELOACH
OIL & GAS WASTE WELL,**

Appellees.

**On appeal from the 75th District Court
of Liberty County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Longoria
Memorandum Opinion Per Curiam**

This case is before the Court on appellant's "Unopposed Motion to Vacate Judgment, Withdraw Opinion and Dismiss Appeal." In this motion, appellant informs the Court that the parties have "agreed to compromise and settle the dispute upon which the appeal is based" and, as part of the settlement terms, request that we vacate our August

1, 2013 judgment, withdraw our opinion issued on that same date, and dismiss the appeal. Appellant attests that it has consulted with counsel for appellees and that appellees do not oppose the motion.

The Court, having examined and fully considered the motion herein, is of the opinion that it should be and is GRANTED. Accordingly, we withdraw our opinion and judgment of August 1, 2013, substitute this opinion and judgment in their place, and DISMISS this appeal. See TEX. R. APP. P. 42.1(a)(1), (c). In accordance with the agreement of the parties, costs are taxed against the party incurring same. See *id.* R. 42.1(d).

PER CURIAM

Delivered and filed the 1st
day of October, 2013.