



NUMBER 13-16-00604-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

APEX GOLF PROPERTIES, INC.,

Appellant,

v.

**FRANK SCANIO, FRANCIS GARRIGUES,
GAY GILSON, CLAUDE F. GILSON, KATHY
BARRON HEYMAN, BARBARA SMITH,
MICHAEL MULVEY, TODD MUENSTER, AND
ERIC DOUGHTY A/K/A ERIK DOUGHTY,**

Appellees.

**On appeal from the 148th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Longoria, and Hinojosa
Memorandum Opinion by Justice Rodriguez**

Appellant Apex Golf Properties, Inc., perfected an appeal from a judgment entered by the 148th District Court of Nueces County, Texas, in cause number 2016-DCV-2699-E. Appellant has filed an unopposed motion to dismiss the appeal on grounds that the parties

have settled the controversies between them. See TEX. R. APP. P. 42.1(A)(1). Appellant requests that this Court dismiss the appeal.

The Court, having abated the appeal on November 8, 2017 pending settlement, now REINSTATES the appeal. Further, considering the documents on file and appellant's unopposed motion to dismiss the appeal, the Court is of the opinion that the motion should be granted. See *id.* Appellant's unopposed motion to dismiss is GRANTED, and the appeal is hereby DISMISSED. In accordance with the agreement of the parties, costs are taxed against the party incurring same. See *id.* R. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

NELDA V. RODRIGUEZ
Justice

Delivered and filed this the 7th
day of December, 2017.