

**NO. 12-13-00375-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***RICHARD LIVINGSTON AND  
DIANNE LIVINGSTON,  
APPELLANTS***

**§ *APPEAL FROM THE 123RD***

***V.***

**§ *JUDICIAL DISTRICT COURT***

***NOBLE ENERGY, INC.,  
APPELLEE***

**§ *SHELBY COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

Appellants, Richard Livingston and Dianne Livingston, and Appellee, Noble Energy, Inc., have filed an agreed motion informing this court that they have reached an agreement resolving the matters that are disputed in this appeal. A copy of their settlement agreement is attached to the agreed motion.

Rule 42.1 of the Texas Rules of Appellate Procedure authorizes an appellate court to dispose of an appeal pursuant to an agreement of the parties. TEX. R. APP. P. 42.1(a)(2). The court may render judgment effectuating the parties' agreement, set aside the trial court's judgment and remand the case to the trial court for rendition of judgment in accordance with the agreement, or abate the appeal and permit proceedings in the trial court to effectuate the agreement. *Id.* Here, the parties have agreed that this court should render judgment effectuating the parties' agreement and ask in their motion that we do so. We grant the parties' motion.

In accordance with the agreement of the parties, we modify the portion of the trial court's September 30, 2013 order awarding Noble Energy, Inc. its attorney's fees, costs, and expenses to read as follows:

IT IS FURTHER ORDERED that Interpleader, Noble Energy, Inc., receive out of the funds deposited into the registry of the Court, the amount of \$9,500.00, in full satisfaction of its claim for attorney's fees and costs.

In all other respects, the trial court's September 30, 2013 order is *affirmed*. Our mandate will issue ten days from the date of this opinion and judgment.

Opinion delivered March 5, 2014.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MARCH 5, 2014

NO. 12-13-00375-CV

**RICHARD LIVINGSTON AND DIANNE LIVINGSTON,**  
Appellants  
V.  
**NOBLE ENERGY, INC.,**  
Appellee

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Appeal from the 123rd District Court  
of Shelby County, Texas (Tr.Ct.No. 11CV31,845)

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THIS CAUSE came on to be heard on the agreed motion of the parties that they have reached a settlement agreement and the appellate record filed herein; and the same being inspected, it is the opinion of the Court that the trial court's judgment below should be **modified and, as modified, affirmed.**

It is therefore ORDERED, ADJUDGED and DECREED that the portion of trial court's September 30, 2013 order awarding Noble Energy, Inc. its attorney's fees, costs, and expenses be **modified** to read as follows:

IT IS FURTHER ORDERED that Interpleader, Noble Energy, Inc., receive out of the funds deposited into the registry of the Court, the amount of \$9,500.00, in full satisfaction of its claim for attorney's fees and costs.

**and as modified**, the trial court's judgment is **affirmed**; and that this decision be certified to the trial court below for observance.

By *per curiam* opinion.  
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.