

NO. 12-18-00029-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*TONJA AUGMON, INDEPENDENT ADMINISTRATOR OF THE ESTATE OF OBANELYVIA CUNNINGHAM, DECEASED,* § *APPEAL FROM THE*  
*APPELLANT* § *COUNTY COURT OF*

V.

*LYDIA NANEZ,* § *SMITH COUNTY, TEXAS*  
*APPELLEE*

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*MEMORANDUM OPINION*  
*PER CURIAM*

Tonja Augmon, Independent Administrator of the Estate of Obanelyvia Cunningham, deceased filed an agreed motion to dismiss this appeal. In her motion, Augmon states that the parties have reached a settlement agreement. The motion is signed by counsel for each party. Because Augmon has met the requirements of Texas Rule of Appellate Procedure 42.1(a)(1), we *grant* the agreed motion, and *dismiss* the appeal. See TEX. R. APP. P. 42.1(a)(1).

Opinion delivered October 29, 2018.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

OCTOBER 29, 2018

NO. 12-18-00029-CV

**TONJA AUGMON, INDEPENDENT ADMINISTRATOR OF  
THE ESTATE OF OBANELYVIA CUNNINGHAM, DECEASED,**

Appellant

V.

**LYDIA NANEZ,**

Appellee

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Appeal from the County Court  
of Smith County, Texas (Tr.Ct.No. 42,220P)

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THIS CAUSE came on to be heard on the agreed motion of the Appellant to dismiss the appeal herein, and the same being considered, it is the opinion of this court that the motion to dismiss be **granted**.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed** and that all costs of this appeal be, and the same are, adjudged against the party that incurred them; for which execution may issue; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

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