

NO. 12-19-00148-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***CARLA KOLBER,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT AT LAW NO. 1***

***JAMES MOORE AND MELINDA
MOORE,
APPELLEES***

§ ***HENDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Carla Kolber, filed a notice of appeal from a February 25, 2019 order granting a motion for award of expenses/sanctions filed by Appellees, James Moore and Melinda Moore, and from a March 14, 2019 final judgment, to the extent that the February order merged with the final judgment. On October 7, Kolber filed an agreed motion to effectuate settlement. The motion states that the parties reached an agreement to settle the matter between them. Kolber requests rendition of judgment setting aside the February 25 order.

Texas Rule of Appellate Procedure 42.1 sets forth the actions that this Court may take in accordance with an agreement signed by the parties or their attorneys and filed with the clerk. TEX. R. APP. P. 42.1(a)(2). We may: (A) render judgment effectuating the parties' agreement; (B) set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement; or (C) abate the appeal and permit proceedings in the trial court to effectuate the agreement. TEX. R. APP. P. 42.1(a)(2).

Accordingly, we ***grant*** the agreed motion to effectuate settlement. *See* TEX. R. APP. P. 42.1(a)(2)(A). We ***render*** judgment ***setting aside*** the trial court's order of February 25, 2019,

without regard to the merits. *See* TEX. R. APP. P. 42.1(a)(2)(B). We *remand* the case to the trial court for rendition of judgment in accordance with the parties' agreement.¹ *See id.*

Opinion delivered October 17, 2019.

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

(PUBLISH)

¹ Kolber also requests that we dismiss the appeal. However, rendering judgment and remanding in accordance with Rule 42.1 disposes of this appeal without the need for dismissal.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 17, 2019

NO. 12-19-00148-CV

CARLA KOLBER,

Appellant

V.

JAMES MOORE AND MELINDA MOORE,

Appellees

Appeal from the County Court at Law No. 1
of Henderson County, Texas (Tr.Ct.No. 00195-CCL-16)

THIS CAUSE came on to be heard on the agreed motion of the Appellant to effectuate settlement, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion to effectuate settlement be **granted**; judgment is **rendered** setting aside the trial court's February 25, 2019 order without regard to the merits; the cause is **remanded** to the trial court for rendition of judgment in accordance with the parties' settlement agreement, and that the decision be certified to the court below for observance.

By *per curiam* opinion.

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