

**COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI-EDINBURG**

**Southern Nurseries, Inc. and Kathy Garfield v. Maria Guadalupe
Solis**

No. 13-09-00664-CV · No. 13-09-00664-CV · Decided February 11, 2010

SUMMARY

The Thirteenth Court of Appeals of Texas granted appellants' motion to dismiss their appeal because no issue remained in controversy. The appeal was dismissed under Texas Rule of Appellate Procedure 42.1(a), with costs taxed against appellants and the mandate ordered to issue forthwith.

OPINION

PER CURIAM.

NUMBER 13-09-00664-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG
SOUTHERN
NURSERIES, INC. AND KATHY GARFIELD, Appellants, v. MARIA GUADALUPE SOLIS,
ET AL., Appellees.

On appeal from the 93rd District Court of Hidalgo County, Texas.

MEMORANDUM

OPINION Before Justices Rodriguez, Garza, and Benavides Memorandum Opinion Per Curiam Appellants, Southern Nurseries, Inc. and Kathy Garfield, attempted to perfect an appeal from an order entered by the 93rd District Court of Hidalgo, County, Texas, in cause no. C-290-09-B.

Appellants have filed a motion to dismiss the appeal on grounds that there is no longer an issue in controversy. Appellants request that this Court dismiss the appeal. The Court, having considered the documents on file and appellants' motion to dismiss the appeal, is of the opinion that the motion should be granted. See Tex. R. App. P. 42.1(a). Appellants' motion to dismiss is granted, and the appeal is hereby DISMISSED.

Costs will be taxed against appellants. See Tex. R. App. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant."). Having dismissed the appeal at appellants' request, no motion for rehearing will be entertained, and our mandate will issue forthwith. PER CURIAM Delivered and filed the 11th day of February, 2010.

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