

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

In the Matter of the Estate of Cloyd D. Young, Deceased

No. 05-12-01659-CV (Tex. App.—Dallas Apr. 8, 2014) · No. No. 05-12-01659-CV · Decided April 8, 2014

SUMMARY

The Fifth District Court of Appeals at Dallas dismissed an appeal concerning the Estate of Cloyd D. Young after the parties entered into a settlement agreement approved by the trial court. The court ordered appellee Mary Isabelle Young to recover the costs of the appeal from appellant Vivian Young.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Lana Myers; Chief Justice Wright; Justice Myers; Justice Lewis
JURISDICTION	Texas
DECIDED	April 8, 2014
DOCKET	No. 05-12-01659-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to dismiss the appeal after the parties entered into a settlement agreement that had been approved by the probate court.
PRECEDENTIAL VALUE	published
PARTIES	Vivian Young v. Mary Isabelle Young

TOPICS

- probate procedure
- appellate procedure
- probate
- civil procedure

PRACTICE AREAS

- probate
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed pursuant to appellant's unopposed motion after the parties settled their claims and obtained trial-court approval of the settlement.

FACTUAL BACKGROUND

The parties entered into a settlement agreement resolving the appeal and their underlying claims. The settlement agreement was approved by the trial court. Appellee did not oppose appellant's motion to dismiss the appeal and agreed to the requested relief.

PROCEDURAL HISTORY

The matter arose from proceedings in the Probate Court of Dallas County, Texas, in trial court cause number PR-09-02344-1. While the appeal was pending, the parties signed a settlement agreement approved by the trial court, and appellant moved to dismiss the appeal. The Court of Appeals granted the motion and dismissed the appeal, awarding appellee her appellate costs.

DISPOSITION

dismissed

OPINION

PER CURIAM.

DISMISS; Opinion Filed April 8, 2014. S In The Court of Appeals Fifth District of Texas at Dallas No. 05-12-01659-CV IN THE MATTER OF THE ESTATE OF CLOYD D. YOUNG, DECEASED On Appeal from the Probate Court Dallas County, Texas Trial Court Cause No. PR-09-02344-1 MEMORANDUM OPINION Before Chief Justice Wright, Justice Myers, and Justice Lewis Opinion by Justice Myers Before the Court is appellant's motion to dismiss the appeal.

Appellant has informed the Court that the parties signed a settlement agreement, which has been approved by the trial court, to dispose of this appeal and the parties' underlying claims. Appellant states that appellee is unopposed and agrees to the relief requested.

Accordingly, we grant appellants' motion and dismiss the appeal. /Lana Myers/ LANA MYERS 121659F.P05 JUSTICE S Court of Appeals Fifth District of Texas at Dallas JUDGMENT IN THE MATTER OF THE ESTATE OF On Appeal from the Probate Court, Dallas CLOYD D. YOUNG, DECEASED County, Texas Trial Court Cause No. PR-09-02344-1. No. 05-12-01659-CV Opinion delivered by Justice Myers.

Chief Justice Wright and Justice Lewis participating. In accordance with this Court's opinion of this date, the judgment of the trial court is DISMISSED. It is ORDERED that appellee Mary Isabelle Young recover her costs of this appeal from appellant Vivian Young. Judgment entered this 8th day of April, 2014. / Lana Myers/ LANA MYERS JUSTICE –2–