

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