

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

In the Interest of J. J. L., a Child

In re J. J. L. · No. 13-09-00064-CV · Decided July 23, 2009

SUMMARY

The Thirteenth Court of Appeals of Texas considered the parties' agreed motion concerning a SAPCR order, venue ruling, and transfer of the case. The court vacated the trial court's January 29, 2009 SAPCR order and remanded the case for rendition of judgment in accordance with the parties' settlement agreement, taxing costs against the party incurring them.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Justice Rodriguez; Justice Garza; Justice Vela
JURISDICTION	Texas
DECIDED	July 23, 2009
DOCKET	13-09-00064-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The parties appealed a trial court SAPCR order and jointly moved to vacate the order, reverse a venue ruling, and transfer the case pursuant to their settlement agreement.
PRECEDENTIAL VALUE	Published memorandum opinion

TOPICS

- family law procedure
- appellate procedure
- family law
- civil procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appellate court could both vacate the trial court's judgment and render judgment effectuating the parties' agreement under Texas Rule of Appellate Procedure 42.1(a)(2).

2. What relief should be granted on the parties' agreed motion to vacate the SAPCR order and effectuate their settlement agreement.

HOLDINGS

1. Under Texas Rule of Appellate Procedure 42.1(a)(2), the appellate court may either render judgment effectuating the parties' agreement or vacate the trial court's judgment and remand for rendition of judgment in accordance with the agreement; it may not do both.
2. The trial court's January 29, 2009 SAPCR order was vacated, and the case was remanded for rendition of judgment in accordance with the parties' settlement agreement.

KEY QUOTATIONS

“we vacate the trial court’s SAPCR Order entered January 29, 2009 and remand the case to the trial court for rendition of judgment in accordance with the parties’ settlement agreement.”

FACTUAL BACKGROUND

The parties reached a settlement agreement concerning the SAPCR proceedings and jointly requested appellate relief effectuating that agreement. Their requested relief included vacatur of the trial court's SAPCR order, reversal of the venue ruling, and transfer of the case.

PROCEDURAL HISTORY

The County Court at Law No. 1 of Calhoun County entered a SAPCR order on January 29, 2009. On appeal, the parties filed an agreed motion seeking to vacate the order, reverse the venue ruling, and render judgment transferring the case. The court granted the motion in part by vacating the order and remanding for rendition of judgment consistent with the settlement agreement, while denying the request to both vacate and render judgment itself.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the trial court's SAPCR order entered January 29, 2009 and remand the case to the trial court for rendition of judgment in accordance with the parties' settlement agreement.

OPINION

PER CURIAM.

NUMBER 13-09-00064-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI - EDINBURG

IN THE INTEREST

OF J. J. L., A CHILD _____

On appeal from the County Court at Law No. 1 of Calhoun County, Texas.

MEMORANDUM

OPINION Before Justices Rodriguez, Garza, and Vela Memorandum Opinion Per Curiam The parties to this appeal have filed an “Agreed Motion to Vacate Trial Court SAPCR Order on Appeal, Reverse Venue Ruling, and Render Judgment Transferring Case.” According to the motion, the parties have mutually agreed to the relief requested.

The Court has considered the motion and it is the Court’s opinion that the motion should be granted in part and denied in part.¹ Accordingly, without regards to the merits, 1 Rule 42.1(a)(2) perm its the Court to render judgment effectuating the parties’ agreements or to vacate the trial court’s judgment and rem and the case to the trial court for rendition of judgment in accordance with the agreement; we cannot do both.

See TEX. R. APP. P. 42.1(a)(2)(A), (B). we vacate the trial court’s SAPCR Order entered January 29, 2009 and remand the case to the trial court for rendition of judgment in accordance with the parties’ settlement agreement. See TEX. R. APP. P. 42.1(a)(2)(B); 43.2(d).

In accordance with the agreement of the parties, costs are taxed against the party incurring same. See TEX. R. APP. P. 42.1(d). PER CURIAM Memorandum Opinion delivered and filed this the 23rd day of July, 2009. 2