

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

**Omar Cuevas, Elizabeth Cuevas, and HOC Properties, Inc. v. Wheat
Investments, Inc.**

No. 13-11-00140-CV (Tex. App.—Corpus Christi–Edinburg Apr. 5, 2012) · No. 13-11-00140-CV · Decided
April 5, 2012

SUMMARY

The Thirteenth Court of Appeals of Texas reinstated the appeal after the reporter’s record had been lost. The court granted the appellants’ unopposed motion to dismiss because the parties had reached an agreement rendering the appeal moot, taxed costs against the appellants, and ordered the mandate to issue forthwith.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Per Curiam; Chief Justice Valdez; Justice Rodriguez; Justice Garza
JURISDICTION	Texas
DECIDED	April 5, 2012
DOCKET	13-11-00140-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed a judgment of the County Court at Law No. 4 of Hidalgo County and then moved, without opposition, to dismiss the appeal after the parties reached an agreement rendering the appeal moot.
PRECEDENTIAL VALUE	unpublished memorandum opinion
PARTIES	Omar Cuevas, Elizabeth Cuevas, HOC Properties, Inc. v. Wheat Investments, Inc.

TOPICS

mootness appellate procedure costs civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should dismiss the appeal under Texas Rule of Appellate Procedure 42.1(a) because the parties' agreement rendered the appeal moot.
2. How costs should be taxed after dismissal at appellants' request.

HOLDINGS

1. The unopposed motion to dismiss was granted, and the appeal was dismissed because the parties' agreement rendered the appeal moot.
2. Costs were taxed against appellants.

KEY QUOTATIONS

“Absent agreement of the parties, the court will tax costs against the appellant.” (at 2)

FACTUAL BACKGROUND

Appellants perfected an appeal from a judgment entered by the County Court at Law No. 4 of Hidalgo County. After the appeal was abated because the reporter's record was lost, the parties reached an agreement that rendered the appeal moot. Appellants filed an unopposed motion requesting dismissal.

PROCEDURAL HISTORY

The County Court at Law No. 4 of Hidalgo County entered a judgment in cause number CL-10-3099-D. The appellate court abated the appeal on January 12, 2012, because the reporter's record was lost, then reinstated it. After the parties reached an agreement rendering the appeal moot, appellants moved to dismiss, and the court granted the motion.

DISPOSITION

dismissed