

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

Michael Reece v. NCO Portfolio Management

No. 13-08-00255-CV · No. 13-08-00255-CV · Decided May 29, 2008

SUMMARY

The Texas Thirteenth Court of Appeals granted the parties’ agreed motion to vacate the trial court’s judgment and remand the case for rendition of judgment consistent with their agreement. The court vacated the judgment without addressing the merits and taxed costs against the appellant.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi-Edinburg
WRITING FOR THE COURT	Per Curiam; Justice Yañez; Justice Rodriguez; Justice Benavides
JURISDICTION	Texas
DECIDED	May 29, 2008
DOCKET	13-08-00255-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant and appellee jointly moved the court of appeals to vacate the trial court's judgment and remand the case for further proceedings consistent with their agreement.
PRECEDENTIAL VALUE	published
PARTIES	Michael Reece v. NCO Portfolio Management

TOPICS

- appellate procedure
- civil procedure
- costs

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

- Whether the court of appeals should grant the parties' agreed motion to vacate the trial court's judgment and remand the case under Texas Rule of Appellate Procedure 42.1(a)(2)(A).

2. Whether appellate costs should be taxed against appellant in the absence of an agreement concerning costs.

HOLDINGS

1. The court granted the parties' agreed motion, set aside the trial court's judgment without regard to the merits, and remanded the case for rendition of judgment in accordance with the parties' agreement.
2. Costs were taxed against appellant.

KEY QUOTATIONS

“We set aside the trial court’s judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement of the parties.” (at 2)

FACTUAL BACKGROUND

The opinion contains no substantive underlying factual background. The relevant procedural fact is that the parties reached an agreement and jointly requested that the trial court's judgment be vacated and that the matter be remanded for further action consistent with that agreement.

PROCEDURAL HISTORY

The appeal was taken from a judgment of the County Court at Law No. 3 of Collin County, Texas. The parties filed an agreed motion to vacate the judgment and remand the case, which the court of appeals granted without addressing the merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court's judgment was set aside without regard to the merits, and the case was remanded for rendition of judgment in accordance with the parties' agreement.

OPINION

Michael Reece v. Nco Portfolio Management

PER CURIAM.

NUMBER 13-08-00255-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

MICHAEL REECE, Appellant, v. NCO PORTFOLIO MANAGEMENT, Appellee. On appeal from the County Court at Law No. 3 of Collin County, Texas.

MEMORANDUM OPINION

Before Justices Yañez, Rodriguez, and Benavides Memorandum Opinion Per Curiam The parties to this appeal have filed an agreed motion to vacate the judgment of the trial court and remand this matter to the trial court for further action consistent with the agreement of the parties. See TEX . R. APP. P. 42.1(a)(2)(A). The Court, having considered the documents on file and the agreed motion to vacate and remand, is of the opinion that the motion should be granted. See *id.* The agreed motion is GRANTED. We set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreement of the parties. See *id.*; TEX . R. APP. P. 43.2(d). Costs will be taxed against appellant. See TEX . R. APP. P. 42.1(d) ("Absent agreement of the parties, the court will tax costs against the appellant.").

PER CURIAM

Memorandum Opinion delivered and filed this the 29th day of May, 2008. 2