

**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.