Dismissed and Opinion filed October 28, 1999.

In The

Fourteenth Court of Appeals

NO. 14-98-01163-CV

DONALD EUBANKS, Appellant

V.

HAL MCCABE, INDEPENDENT EXECUTOR OF THE ESTATE OF ETHEL MCCABE TREVITT, DECEASED, Appellee

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On Appeal from the Probate and County Court
Galveston County, Texas
Trial Court Cause No. 46,805-D
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O P I N I O N

This is an appeal from a judgment in a probate case signed May 28, 1998.

On October 19, 1999, appellant filed a motion to dismiss the appeal because dismissal of the appeal is an element of a settlement agreement, executed by the parties and approved by the Bankruptcy Court. *See* TEX. R. APP. P. 42.1. The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed October 19, 1999.

Panel consists of Justices Yates, Fowler, and Frost.

Do Not Publish. — TEX. R. APP. P. 47.3(b).