

**DONALD SWEARINGIN, BILLY JACK SWEARINGIN, BEVERLY HOOKER,
CONNIE MORRIS, AND FRANKIE MAE SMITH, APPELLANTS v. TERRY EL-
LIS, INDIVIDUALLY AND AS TRUSTEE AND ATTORNEY IN FACT FOR VI-
VIAN SWEARINGIN, DONNA MULLEN, INDIVIDUALLY AND AS TRUSTEE
AND ATTORNEY IN FACT FOR VIVIAN SWEARINGIN, VIVIAN SWEARIN-
GIN, AND LORAIN ELLIS, APPELLEES**

NO. 2-04-217-CV

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

September 23, 2004, Delivered

PRIOR HISTORY: FROM COUNTY COURT AT
LAW OF PARKER COUNTY.

COUNSEL: For Appellant: GAY, MCCALL,
ISAACKS, GORDON & ROBERTS, P.C., LEWIS L.
ISAACKS, and JENNIFER PETTIT of Plano, TX.

For Appellee: CANTEY & HANGER, L.L.P., DAVID
A. PALMER of Dallas, TX.

JUDGES: PANEL D: GARDNER, WALKER, and
MCCOY, JJ.

OPINION

**MEMORANDUM OPINION ¹ AND JUDG-
MENT**

¹ See *TEX. R. APP. P. 47.4*.

We have considered appellant's "Amended Motion
To Dismiss Appeal." It is the court's opinion that the
motion should be granted; therefore, we dismiss the ap-
peal. See *TEX. R. APP. P. 42.1(a)(1), 43.2(f)*.

Costs of the appeal shall be paid by the party incur-
ring the same, for which let execution issue.

PER CURIAM