

**TRANSAMERICA OCCIDENTAL LIFE INSURANCE COMPANY, Appellant v.  
Doris Jean SCARBROUGH f/k/a Doris Jean Hurlbut and Samuel Finley Hurlbut,  
Jr., Appellees**

**No. 04-99-00114-CV**

**COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO**

**July 7, 1999, Delivered**

**July 7, 1999, Filed**

**NOTICE:** PURSUANT TO THE TEXAS RULES OF APPELLATE

PROCEDURE, UNPUBLISHED OPINIONS SHALL NOT BE CITED AS AUTHORITY

BY COUNSEL OR BY A COURT.

**PRIOR HISTORY:** From the 131st Judicial District Court, Bexar County, Texas. Trial Court No. 98-CI-12174. Honorable Solomon Casseb, Jr., Judge Presiding.

**DISPOSITION:** Cause DISMISSED.

**COUNSEL:** ATTORNEYS FOR APPELLANT: Shayne D. Moses, CANTEY & HANGER, L.L.P., Fort Worth, TX.

ATTORNEYS FOR APPELLEE: John D. Wennermark, WENNERMARK & RICHTER, P.L.L.C., San Antonio, TX. Samuel Finley Hurlbut, Jr., Wolbach, NE. Samuel Finley Hurlbut, Jr., Bastrop, TX.

**JUDGES:** Sitting: Phil Hardberger, Chief Justice, Alma L. Lopez, Justice, Catherine Stone, Justice.

**OPINION**

PER CURIAM

The parties have filed a joint motion to dismiss this appeal, stating that they have fully compromised and settled all issues in dispute. The motion is granted. *See TEX. R. APP. P. 42.1(a)(1)*. Because the cause is moot, all previous orders and judgments, both trial and appellate, are set aside and the cause is dismissed. *See Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Hughes*, 827 S.W.2d 859, 859 (Tex. 1992); *Exxon Corp. v. Butler*, 619 S.W.2d 399, 399 (Tex. 1981); *Freeman v. Burrows*, 141 Tex. 318, 171 S.W.2d 863, 863-64 (1943); *Panterra v. American Dairy Queen*, 908 S.W.2d 300, 301 (Tex. App.--San Antonio 1995, no writ). Costs of appeal are taxed against the parties who incurred them.

PER CURIAM