



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-18-00325-CV

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**REALTEX CONSTRUCTION, LLC, APPELLANT**

**V.**

**CYNTHIA RICO D/B/A FRAME CO. AND OSCAR SALINAS, JR.  
D/B/A SALINAS CONSTRUCTION, INC., APPELLEES**

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On Appeal from 99th District Court  
Lubbock County, Texas  
Trial Court No. 2016-522,243; Honorable J. Blair Cherry, Jr., Presiding

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June 16, 2020

**ORDER OF REINSTATEMENT AND DISMISSAL**

**Before QUINN, C.J., and PIRTLE and PARKER, JJ.**

Appellant, Realtex Construction, LLC, appeals from a final judgment in favor of Appellees, Cynthia Rico d/b/a Frame Co. and Oscar Salinas, Jr. d/b/a Salinas Construction, Inc. We abated the appeal in October 2018, after Realtex filed a suggestion of bankruptcy notifying the court of Realtex's pending bankruptcy proceeding in the United States Bankruptcy Court for the Western District of Texas. See TEX. R. APP. P. 8.1, 8.2.

In May 2020, in response to an inquiry from this court, the bankruptcy court advised that Realtex's chapter 11 reorganization plan had been confirmed and that the plan required Realtex to seek dismissal of this appeal. Realtex has since filed *Appellant's Unopposed Motion to Withdraw Appeal*.

Based on the notification from the bankruptcy court, we dispense with the requirements of Rule of Appellate Procedure 8.3(a) and reinstate the appeal. See TEX. R. APP. P. 2, 8.3. Now pending before this court is Realtex's voluntary motion to dismiss the appeal. We find that the motion complies with the requirements of Rule of Appellate Procedure 42.1(a)(1) and that granting the motion will not prevent any party from seeking relief to which it would otherwise be entitled. As no decision of the court has been delivered to date, we grant the motion. The appeal is dismissed. Because the motion does not address costs, costs will be taxed against Realtex. TEX. R. APP. P. 42.1(d). No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam