NO. 07-11-00198-CV

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL B

JUNE 9, 2011

PLAINS BUILDERS, INC., ET AL, APPELLANTS

v.

STEEL SOURCE, INC., ET AL, APPELLEES

FROM THE 251ST DISTRICT COURT OF POTTER COUNTY;

NO. 95,423-C; HONORABLE ANA ESTEVEZ, JUDGE

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

ORDER

Appellants Plains Builders, Inc. and Travelers Casualty & Surety Company of America have filed a motion requesting a thirty day abatement of this appeal so that additional or amended findings of fact and conclusions of law may be requested. *See* Tex. R. Civ. P. 298. A certificate of conference attached to the motion indicates appellees Steel Source, Inc. and Steel Source, a division of Lloyd N. Moreau, L.L.C., agree with the requested abatement. According to the motion, appellants timely requested findings and gave timely notice of past due findings. They did not receive a copy of findings from the trial court, however. *See* Tex. R. Civ. P. 297. Subsequently,

while preparing the clerk's record, appellants discovered the trial court had filed findings.

We abate the appeal and remand the cause to the trial court solely for the purpose of allowing the parties an opportunity to request additional or amended findings of fact and conclusions of law. *Cf*. Tex. R. App. P. 44.4.[1] Within ten days of the date of this order, any party may request additional or amended findings of fact and conclusions of law under Rule of Civil Procedure 298. Tex. R. Civ. P. 298. If a party requests additional or amended findings and conclusions, the parties and the trial court shall proceed according to Rule 298. The trial court and parties shall ensure that the clerk's record, when filed, includes any request for additional or amended findings and all responsive documents signed by the trial court.

The abatement herein ordered will dissolve automatically on July 11, 2011, and the appeal will thereupon be reinstated, without further notice. The record shall be filed on or before August 15, 2011.

It is so ordered.

Per Curiam

[1] We have no record before us and are acting solely on the parties' agreed motion. By our issuance of this order, we intend no finding that the trial court has committed error. Except as expressly stated in this order, we do not direct action by the trial court or the parties. By this order we do not direct the parties to request additional or amended findings and conclusions, nor do we direct the trial court's response to any such request that may be made by the parties.