

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-8631

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FDIC AS RECEIVER FOR FIDELITY  
BANK, NA.,

Plaintiff-Appellee,

versus

SUNTIDE AND ASSOCIATES NO. 3.,  
ET AL.,

Defendants-Appellants.

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Appeal from the United States District Court for the  
Western District of Texas  
(SA-91-CA-35)

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(December 8, 1993)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.

BY THE COURT:

The joint motion of all appellants and appellees to dismiss the appeal and vacate the judgment below, is granted as follows: The judgment below is vacated and the cause is remanded with directions that it be dismissed pursuant to the settlement between the parties.