

On September 16, 1999, the parties filed a joint motion for extension of time to file motion for rehearing and a motion for rehearing.² The parties are asking this court to reinstate the appeal and order a modification of the trial court's judgment so that it will comply with the settlement agreement reached by the parties. The trial court is the appropriate court to take the action sought by the parties. Based on the relief sought in the motion for rehearing, the parties should have filed a motion to reverse the judgment and remand the cause to the trial court, rather than a motion to dismiss. *See* TEX. R. APP. P. 42.1. Accordingly, we will now interpret the parties' request as a request to reverse and remand for entry of judgment in accordance with the settlement agreement. Therefore, we grant the motion for rehearing and reverse and remand to the trial court for entry of judgment in accordance with the parties' settlement agreement.

Accordingly, the judgment is reversed and the cause remanded to the trial court.

PER CURIAM

Judgment rendered and Opinion filed September 23, 1999.

Panel consists of Justices Amidei, Edelman, and Wittig.

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² The parties entitled the motion as an extension of time to file motion for rehearing and "Joint Accelerated Motion to Reinstate Appeal to Modify Judgment of Trial Court." We, however, have interpreted the motion as an extension and an actual motion for rehearing. To accomplish the relief requested by appellants, we will remand the case to the trial court for entry of judgment in accordance with the parties' settlement agreement.