

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20065

In the Matter of: ROSALIND LOUISE GRAHAM,

Debtor,

ROSALIND LOUISE GRAHAM,

Appellant,

versus

IRENE CAFCALAS HOFHEINZ FOUNDATION,

Appellee,

In the Matter of: ROSALIND LOUISE GRAHAM,

Debtor,

ROSALIND LOUISE GRAHAM,

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
Civil Docket Nos. #H-98-2326; H-98-CV-2806; H-98-CV-2807

November 16, 2000

Before GOODWIN*, GARWOOD, and JONES, Circuit Judges.

*Circuit Judge of the Ninth Circuit, sitting by designation.

PER CURIAM:**

The court, having carefully considered this appeal in light of the briefs, oral argument and pertinent portions of the record, finds no clear error in the bankruptcy court's finding that the sale of Graham's residence, if it was a homestead at the date of sale, was known about and approved by Mrs. Graham, who thus abandoned her homestead exemption. Further, the bankruptcy court did not abuse its discretion in reconsidering its original May 27, 1997 order, when evidence of the 1992 chapter 13 case first came to light, or in rejecting appellant's motion to reconsider following the November, 1997 judgment. Finally, the ex parte hearing conducted by the bankruptcy court in September, 1996 did not prejudice appellant.

AFFIRMED.

**Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.