

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-50053

In the matter of: H.B. Halbert, Jr., M.D.,
Debtor.

H. B. HALBERT, Jr., M.D.,
Appellant,

VERSUS

ANNE W. HALBERT,
Appellee.

Appeal from the United States District Court
For the Western District of Texas
(W-96-CA-239)

October 7, 1997

Before DeMOSS and DENNIS, Circuit Judges, and ROSENTHAL*, District
Judge.

PER CURIAM:**

Appellant H.B. Halbert, Jr., M.D., claims on appeal to this
court that the district court erred in affirming the judgment of
the bankruptcy court. Appellant filed a complaint in bankruptcy

* District Judge of the Southern District of Texas, sitting
by designation.

**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this opinion should not be published and is not precedent except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.

court seeking a determination that debts in favor of Appellee Anne W. Halbert arising out of a Final Decree of Divorce were non-dischargeable. The bankruptcy court held that (1) there was a binding and enforceable contractual agreement to pay alimony, (2) the state court judgment incorporating the alimony agreement was not subject to collateral attack, and (3) payments due Appellee Anne W. Halbert were alimony and support in nature and therefore a non-dischargeable debt. The district court affirmed.

After considering the oral arguments of counsel, the briefs of the parties, and the record in this case, we conclude that the district court judgment is correct. Accordingly, the judgment of the district court is AFFIRMED.