## United States Court of Appeals Fifth Circuit

## FILED

## IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

August 22, 2007

Charles R. Fulbruge III Clerk

No. 04-51215 Summary Calendar

In The Matter Of: THOMAS EUGENE NORRIS SR;
KAREN LYNN NORRIS;

Debtors,

THOMAS EUGENE NORRIS SR; KAREN LYNN NORRIS,

Appellants

versus

JOHNNY W THOMAS, Trustee

Appellee.

Appeal from the United States District Court For the Western District of Texas

(5:04-CV-217)

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

## PER CURIAM:

Thomas and Karen Norris challenge the bankruptcy court's ruling, affirmed by the district court, that their boat does not qualify as a homestead in bankruptcy. On June 20, 2005 we certified the question to the Supreme Court of Texas, thus:

Does a motorized waterborne vessel, used as a primary residence and otherwise fulfilling all of the requirements of a homestead except attachment to land,

qualify for the homestead exemption under Article 16, §§ 50 and 51 of the Texas Constitution?

On February 9, 2007, the Supreme Court of Texas issued its opinion in response to our certified question, holding that a boat cannot qualify as a homestead.<sup>2</sup> In light of this decision by the Supreme Court of Texas, the judgment of the district court is

AFFIRMED.

 $<sup>^{1}</sup>$ In re Norris, 413 F.3d 526 (5<sup>th</sup> Cir. 2005).

<sup>&</sup>lt;sup>2</sup>See Norris v. Thomas, 215 S.W.3d 851 (Tex. 2007).