

August 22, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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?¹

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.² In light of this decision by the Supreme
Court of Texas, the judgment of the district court is

AFFIRMED.

¹*In re Norris*, 413 F.3d 526 (5th Cir. 2005).

²*See Norris v. Thomas*, 215 S.W.3d 851 (Tex. 2007).