

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 93-1285

(Summary Calendar)

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IN THE MATTER OF: CHARLES NORMAN HAVINS AND VERA  
ANN HAVINS,

Debtors.

CHARLES NORMAN HAVINS and  
VERA ANN HAVINS,

Appellants,

versus

FIRST NATIONAL BANK OF PADUCAH,

Appellee.

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Appeal from the United States District Court  
For the Northern District of Texas  
(5:93 CV 08 C)

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August 2, 1993

Before JOLLY, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Charles and Vera Havins (the "Havins") appeal the district court's judgment affirming the bankruptcy court's decision, which required the trustee to disburse \$18,537.52 to First National Bank of Paducah, Texas ("bank"). The bankruptcy court found that the

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\* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

bank had a valid assignment of Conservation Reservation Program funds for 1990 which had been paid to the Havins. We review the bankruptcy and district court's findings of fact for clear error, and their conclusions of law de novo. *Matter of Corland Corp.*, 967 F.2d 1069, 1073 (5th Cir. 1992).

The Havins claim that the bank did not have a valid assignment, because the assignment was made to secure preexisting indebtedness. See 16 U.S.C. § 590h(g) (1988) ("A payment which may be made to a farmer under this section may be assigned . . . by him in writing as security for cash or advances to finance making a crop . . . . Such assignment shall not be made to secure any preexisting indebtedness."). However, after a careful review of the record, we find evidence that the assignment was made to secure a new operating loan in the amount of \$65,000. See Record on Appeal, vol. 2, at 122-28. Accordingly, the district court's judgment is **AFFIRMED**.