

1   **IN THE UNITED STATES COURT OF APPEALS**  
2   **FOR THE FIFTH CIRCUIT**

3 \_\_\_\_\_  
4   No. 93-2161  
5 \_\_\_\_\_

6   FEDERAL DEPOSIT INSURANCE CORPORATION,  
7   as Manager of the FSLIC Resolution Fund,  
8   AMERICAN FEDERAL BANK, F.S.B.,  
9   MERCURY INVESTMENT CORPORATION,  
10   and MILAM INVESTMENT CORPORATION,

11   Plaintiffs-Appellees,

12   VERSUS

13   GEORGE J. AUBIN, CAMERON E. AUBIN, JOHN CLEVELAND, as  
14   Substitute Trustee for O.W. BUSSEY, Trustee for the AUBIN  
15   CHILDREN, SIGMA CAPITAL CORPORATION, WICHITA LAND AND  
16   CATTLE COMPANY and WICHITA FLETCHER, J.V.,

17   Defendants-Appellants.

18 \_\_\_\_\_  
19   Appeal from the United States District Court  
20   for the Southern District of Texas  
21   (CA-H-87-3352 c/w 90-3037)  
22 \_\_\_\_\_

23   (May 17, 1995)

24   Before DAVIS, SMITH, and WIENER, Circuit Judges.

25   PER CURIAM:\*

26   The defendants appeal the rulings of the district court  
27   granting summary judgment in favor of plaintiff FDIC on thirteen  
28   promissory notes issued by Mercury Savings Association, Ben Milam

\_\_\_\_\_  
\* 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 Pursuant to that rule, the court has determined that this opinion should not be published.

29 Savings & Loan Association, Washington County State Bank, and  
30 Federal Land Bank of Houston. Thereafter, following a jury trial,  
31 the district court entered final judgment, finding the non-recourse  
32 provision in one of the notes, called the "Brenham Second Wrap  
33 Note," to be invalid and holding Aubin personally liable on all  
34 thirteen notes based upon his use of defendant corporations as  
35 "shams to perpetuate a fraud on Mercury and Milam" and "unfair  
36 devices to achieve inequitable results."

37 After considering the arguments presented by counsel in the  
38 briefs and at oral argument, and after reviewing the record and the  
39 relevant authorities, we find no error in the district court's  
40 well-reasoned and exhaustive opinions. Accordingly, for essen-  
41 tially the reasons stated in those opinions, the judgment is  
42 AFFIRMED.