

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-7393
Summary Calendar

WAYNE AND LONNELL MANN FAMILY TRUST,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA-L-91-97)

(April 29, 1994)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

PER CURIAM:¹

The Wayne and Lonnell Mann Family Trust (the "Trust") appeals the district court's dismissal of its quiet title action. We affirm.

In 1990, the Trust purchased a 3,146 acre ranch from George Vogt and Colonial Coins, Inc., a company wholly owned by Vogt. In 1984, Vogt had granted the United States two easements on portions of the ranch. The first easement covered a 1,042 acre tract in the

¹ Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

southern portion of the ranch. The second easement covered six acres and provided access to the 1,042 acre tract. Neither easement was filed in the county records at the time the Trust purchased the ranch.

The Trust, claiming to be a bona fide purchaser, brought a quiet title action against the United States seeking to void the easements. Alternatively, the Trust argued that the United States should be equitably estopped from claiming the easements. Following a bench trial, the district court concluded that the Trust "must be deemed to have been aware of the two easements at the time it purchased the property"; therefore, the Trust was not a bona fide purchaser and did not take title free of the easements, nor was the government estopped from claiming the easements.

On appeal, the Trust argues that the district court clearly erred in finding that it was not a bona fide purchaser. The only significant issue is whether the record supports the district court's finding that the trust had constructive notice of the government's easements. The district court entered thorough findings of fact and conclusions of law on April 6, 1993. Our review of the record leads us to conclude that those findings are not clearly erroneous. We also find no legal error in the district court's conclusions of law. Accordingly, we affirm the district court's judgment.

AFFIRMED.