

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 93-8913
Summary Calendar

ROSEANN DALEY EVANS, individually
and as Administratrix of the Estate
of Fred G. Daley, deceased,

Plaintiff-Appellant,

VERSUS

RTC AS RECEIVER FOR UNIVERSITY
SAVINGS, and in all other
capacities, et al.,

Defendants-Appellees.

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

(SA-92-CV-991)

(May 16, 1994)

Before GARWOOD, SMITH, and DEMOSS, Circuit Judges.

PER CURIAM:*

Roseann Daley Evans, individually and as administratrix of her half-uncle's estate, appeals the district court's summary judgment

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

for the Resolution Trust Corporation (RTC) and Ted Kohleffel. Finding no error, we affirm.

I.

After the plaintiff's half-uncle Fred Daley died, a Texas probate court ruled Daley died without a will. Notwithstanding the probate court's finding, Evans was suspicious that the defendants, University Savings Association (USA)¹ and Ted Kohleffel, had conspired to destroy a will that her half-uncle had allegedly written. Specifically, according to Evans, USA improperly permitted Kohleffel access to Fred Daley's safe deposit box. Kohleffel found various items but did not find a will. He later maintained that, just prior to his death, Daley dictated to him that he intended to leave his property to Kohleffel's wife. Kohleffel then submitted his notes to Daley's attorney for an opinion as to whether they constituted a valid will. Daley's attorney said they did not.

Based on USA's and Kohleffel's conduct, Evans filed suit against the RTC and Kohleffel. She specifically sued USA for breach of contract, negligence, and conspiracy to commit trespass upon her half-uncle's personal property. She sued Kohleffel for inter alia trespass, negligence and conspiracy to commit trespass. The defendants moved for summary judgment as to all of Evans's claims. The district court granted the defendants' motions. Evans now appeals.

¹USA recently was declared insolvent and the Resolution Trust Corporation (RTC) was appointed its receiver.

II.

We review a summary judgment de novo. Fraire v. City of Arlington, 957 F.2d 1268, 1273 (5th Cir. 1992). We have conducted a thorough review of the parties' briefs and the record on appeal. For the reasons clearly stated in the district court's order, we are satisfied that the court's summary judgment for the defendants was proper.

The district court's judgment is AFFIRMED.