

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50816

Summary Calendar

WILLIAM A. PREWITT, IV,
AND WILLIAM T. LONGBOTHAM,

Plaintiffs-Appellants,

versus

PERRY WARD FLANIGAN,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(W-94-CV-245)

(May 15, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

William A. Prewitt, IV, and William T. Longbotham challenge the lower courts' decision to permit bankruptcy debtor Perry Ward Flanigan an exemption for his annuity. We affirm.

On July 10, 1993, Flanigan was involved in a car accident with Prewitt and Longbotham, who were injured. When Flanigan filed for bankruptcy under Chapter 7 of the United States Bankruptcy Code on

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

October 18, 1993, he listed as unsecured debts their unliquidated, disputed potential tort claims. He also declared his annuity exempt under recent amendments to Article 21.22 of the Texas Insurance Code. The bankruptcy court denied Prewitt and Longbotham's objection to the annuity exemption, and the district court affirmed.

The sole issue that Prewitt and Longbotham raise in this appeal is whether the amendments to Article 21.22, which took effect on September 1, 1993, govern this case. They argue that amended Article 21.22 does not control because it became effective after the date of the car accident and after Flanigan acquired his annuity. We disagree. The law in effect when a debtor files for bankruptcy governs. 11 U.S.C. § 522(b)(2)(A); see also In re Walden, 12 F.3d 445, 449 n.7 (5th Cir. 1994) (refusing to apply recent statutory amendment to bankruptcy case already filed). Amended Article 21.22 was already in effect when Flanigan filed for bankruptcy on October 18, 1993.

AFFIRMED.