

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20927
Summary Calendar

NCNB TEXAS NATIONAL BANK, As receiver for
First Republicbank Houston NA and
KWP FINANCIAL I, INC.,

Plaintiff - Appellees,

versus

ALLEN HOUK, Trustee, Et Al.,

Defendants,

SIU NIN NG, also known as David Ng;
PO-SHIN WONG NG

Defendants - Appellants.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-91-571)

June 21, 1996
Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Siu Nin Ng and Po-Shin Wong Ng (Ngs) appeal from the district court's Order Requiring Turnover, Appointing Receiver, and Enjoining Persons. They complain that the district court lacked

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sufficient evidence of ownership of property to grant a turnover; that it erred by ordering turnover as to unspecified property; that it lacked sufficient evidence that there was property that could not be readily attached or levied; and that it erred when it appointed an unqualified receiver.

Applying Texas law, we review a turnover order for abuse of discretion. *Jacobs v. Adams*, 874 S.W.2d 166, 167 (Tex. App. - Houston 1994, no writ). The decision to appoint a receiver in turnover proceedings is also within the discretion of the trial court. *Schultz v. Cadle Co.*, 825 S.W.2d 151, 155 (Tex. App.- Dallas 1992, writ denied). We find no abuse of discretion in the application of the Texas Turnover Statute.

AFFIRMED.