

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30503

CHARLES D. MARSHALL, JR., as
executor of the estate of
Catherine E. Potts Marshall,

Plaintiff - Appellee-Cross-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellant-Cross-Appellee.

Appeal from the United States District Court for the
Eastern District of Louisiana, New Orleans
USDC No. 98-CV-1013-I

March 7, 2001

Before FARRIS,* JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:**

After reviewing the briefs and considering the arguments made by the parties, we are convinced that the district court committed no reversible error and therefore affirm the judgment.

We conclude, as did the district court, that the correct interpretation of the will in this case is that it created a

*Circuit Judge of the Ninth Circuit, sitting by designation.

**Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

usufruct in the royalty payments and, consequently, an accounting was owed by the usufructuary to the naked owners.

Furthermore, we conclude that the 1975 amendments to Article 194 had no effect on the rights of the naked owners because under Article 214 of the Mineral Code, their rights to an accounting had vested.

A F F I R M E D.