

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 99-60860

KIRKLAND DEVELOPMENT, INC.

Plaintiff - Appellant,

versus

ASSURANCE COMPANY OF AMERICA; ET AL

Defendants,

ASSURANCE COMPANY OF AMERICA

Defendant - Appellee.

**Appeal from the United States District Court
for the Southern District of Mississippi
(3:98-CV-607-BN)**

December 8, 2000

Before BARKSDALE, EMILIO M. GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:*

AFFIRMED. See 5th Circuit Rule 47.6.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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