

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-50285
Summary Calendar

ODELL SPURLIN,

Plaintiff-Appellee,

VERSUS

GENERAL FINANCIAL SERVICES INCORPORATED,

Defendant-Appellant.

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

(P-96-cv-83)

November 12, 1997

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Odell Spurlin ("Spurlin") and General Financial Services, Inc. were equal joint owners of certain property in Pecos County, Texas. This property was leased to a third party who made the rental payments to General Financial. General Financial refused to pay to

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Spurlin his one-half ($\frac{1}{2}$) of rental income less operating costs. Spurlin sued General Financial to recover his share of rental payments in state court. General Financial removed to the federal district court on diversity of citizenship. The matter was tried before the district court without a jury and the district court awarded judgment in favor of Spurlin for one-half ($\frac{1}{2}$) of the rentals less one-half ($\frac{1}{2}$) of the operating costs. General Financial appeals.

We have reviewed the briefs, the record excerpts and relevant portions of the record itself. The findings of fact made by the district court were not clearly erroneous and there was no reversible error in the conclusions of law applied by the district court. Accordingly, the judgment of the district court filed on March 27, 1997, is

AFFIRMED.