

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20073

VW CREDIT, INC.

Plaintiff-Appellant,

VERSUS

FIRST AMERICAN BANK,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-95-CV-4347)

December 14, 1999

Before POLITZ, GARWOOD and DAVIS, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed, essentially for the reasons assigned by the district court's Opinion on Judgment of December 23, 1998. The issue presented in this case is controlled by our recent decision in ITT Commercial Finance v. Bank of the West, 166 F.3d 295 (5th Cir. 1999). See also Harley-Davidson Motor Co., Inc. ITT and v. Bank of New England-Old Colony, 897 F.2d 611, 622 (1990), and J.I. Case Credit Corp. v. First National Bank of Madison County, 991 F.2d 1272 (7th Cir. 1993).

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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