

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In Re: HERBERT B. PARKS,
Debtor.

GARSON L. RICE, SR., Individually
and for and on behalf of R&P
Ventures, a General Partnership or
Joint Venture, and for and on behalf
of Byron Commercial Investments,
Incorporated; BYRON COMMERCIAL
INVESTMENTS, INCORPORATED,
Plaintiffs-Appellants,

v.

HERBERT B. PARKS,
Defendant-Appellee.

No. 99-2678

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
James A. Beaty, Jr., District Judge.
(CA-98-731-1, A-91-2480G, B-91-13111C-7G)

Argued: December 4, 2000

Decided: January 9, 2001

Before WILKINS and KING, Circuit Judges, and
William L. GARWOOD, Senior Circuit Judge of the
United States Court of Appeals for the Fifth Circuit,
sitting by designation.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Rory D. Whelehan, WOMBLE, CARLYLE, SANDRIDGE & RICE, Greenville, South Carolina, for Appellants. Gerald Allen Pell, PELL & PELL, L.L.P., Greensboro, North Carolina, for Appellee. **ON BRIEF:** Ralph W. Gorrell, PELL & PELL, L.L.P., Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Having considered the briefs, appendix and argument of counsel, we conclude that the District Court did not err in affirming the ruling of the Bankruptcy Court. The latter court's determination that the settlement agreement between the Trustee and Parks—approved by the bankruptcy court, the validity of which is not open to challenge in this proceeding—intended to exempt the entire property itself, is not clearly erroneous, and it does not appear that the settlement agreement unambiguously provided otherwise.

AFFIRMED