

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-2269**

---

JOHANNA F. MCGAHREN; JOHANNA F. MCGAHREN, in  
her capacity as administratrix of the estate  
of Francis J. McGahren,

Plaintiffs - Appellants,

and

FRANCIS J. MCGAHREN,

Plaintiff,

versus

FIRST CITIZENS BANK & TRUST COMPANY; FIRST  
CITIZENS MORTGAGE COMPANY; RICHARD L. MILLER;  
JAMES E. CREEKMAN; JAMES GARY ROWE; WILLIAM F.  
WOLCOTT, III,

Defendants - Appellees,

and

RONALD K. PAYNE, Substitute Trustee,

Defendant.

---

Appeal from the United States District Court for the Western Dis-  
trict of North Carolina, at Asheville. Lacy H. Thornburg, District  
Judge. (CA-93-143-1)

---

---

Argued: September 23, 1998

Decided: October 21, 1998

---

Before WIDENER and LUTTIG, Circuit Judges, and MAGILL, Senior Circuit Judge of the United States Court of Appeals for the Eighth Circuit, sitting by designation.

---

Affirmed by unpublished per curiam opinion.

---

**ARGUED:** Matthew Francis McGahren, BAUM & MCGAHREN, Norcross, Georgia, for Appellants. Earl Thomison Holman, ADAMS, HENDON, CARSON, CROW & SAENGER, P.A., Asheville, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

We have considered the record in this case and the briefs and, after oral argument, are of opinion there is no reversible error in this case.

The judgment of the district court is accordingly affirmed for the reasons sufficiently expressed in its opinion.

AFFIRMED