

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 96-50667

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In the Matter of: BILLY R SHURLEY; JANE BRYANT SHURLEY,  
Debtors.

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BILLY R. SHURLEY; JANE BRYANT SHURLEY,  
Appellees-Cross Appellants,  
VERSUS  
TEXAS COMMERCE BANK NATIONAL ASSOCIATION,  
Appellant-Cross-Appellee.

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No. 96-50681

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In the Matter of: BILLY R. SHURLEY; JANE BRYANT SHURLEY,  
Debtors.

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BILLY R. SHURLEY; JANE BRYANT SHURLEY,  
Appellees,

VERSUS

TEXAS COMMERCE BANK - SAN ANGELO, NATIONAL ASSOCIATION,

Appellant.

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

(M0-95-CV-293 & M0-96-CV-45)

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November 17, 1997

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:\*

It is ordered that the August 29, 1996 order of the district court be VACATED, and the cause REMANDED to the district court. The district court is instructed to REMAND the causes to the Bankruptcy Court for a determination of the solvency of the bankruptcy estate in light of *Shurley v. Texas Commerce Bank--Austin, N.A.*, 115 F.3d 333 (5th Cir. 1997), *petition for cert. filed*, No. 97-567 (U.S. Sept. 30, 1997).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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