

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

AUG 29 2002

PATRICK FISHER
Clerk

In re: DENNIS SLADEK and DIANA
SLADEK,

Debtors,

DIANA SLADEK,

Appellant,

v.

SALLY J. ZEMAN, Chapter 13
Trustee,

Appellee.

No. 01-1517
(D.C. No. 00-K-1469)
(D. Colorado)

ORDER AND JUDGMENT *

Before **HENRY** and **HOLLOWAY** , Circuit Judges, and **BRORBY** , Senior
Circuit Judge.

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist the determination of

* This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Diana Sladek appeals from the district court's order affirming rulings of the bankruptcy court in the underlying case. She contends that the bankruptcy court erred in disallowing two exemptions from the debtors' bankruptcy estate for claims involving the probate of her father's estate in Florida. She also challenges the bankruptcy court's ruling granting a motion of the trustee to reconvert the case from Chapter 13 to Chapter 7. She asserts that the district court erred in affirming these decisions.

We have jurisdiction over this appeal by virtue of 28 U.S.C. §§ 158(d) and 1291. *See Conn. Nat'l Bank v. Germain* , 503 U.S. 249, 252 (1992). Our review of the bankruptcy court's legal determinations is de novo and its factual findings are reviewed for clear error. *Phillips v. White (In re White)* , 25 F.3d 931, 933 (10th Cir. 1994). "It is especially important to be faithful to the clearly erroneous standard when the bankruptcy court's findings have been upheld by the district court." *Osborn v. Durant Bank & Trust Co. (In re Osborn)* , 24 F.3d 1199, 1203 (10th Cir. 1994).

After careful review of the parties' briefs and appendices in light of the applicable law and appellate standards, we conclude that the district court correctly decided this case. Therefore, for substantially the reasons set out in the

district court's order dated October 12, 2001, the judgment of the United States District Court for the District of Colorado is AFFIRMED.

Entered for the Court

Wade Brorby
Senior Circuit Judge