

ELECTRONIC CITATION: 2014 FED App. 0003P (6th Cir.)
File Name: 14b0003p.06

BANKRUPTCY APPELLATE PANEL OF THE SIXTH CIRCUIT

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|---------------------------------|---|-------------|
| In re: MILLARD P. THOMAS, III, |) | |
| |) | |
| Debtor. |) | |
| _____ |) | |
| |) | |
| LAUREN A. HELBLING, Trustee, |) | |
| |) | |
| Plaintiff - Appellant, |) | No. 13-8052 |
| |) | |
| v. |) | |
| |) | |
| MILLARD P. THOMAS, III, et al., |) | |
| |) | |
| Defendants - Appellees. |) | |
| _____ |) | |

Appeal from the United States Bankruptcy Court
for the Northern District of Ohio
Case No.12-14916; Adv. No. 13-1012

Decided and Filed: May 15, 2014

Before: EMERSON, HARRISON, and LLOYD, Bankruptcy Appellate Panel Judges.

COUNSEL

ON BRIEF: Lauren A. Helbling, Cleveland, Ohio, for Appellant. James E. Kovac, Cleveland, Ohio, for Appellees.

OPINION

MARIAN F. HARRISON, Bankruptcy Appellate Panel Judge. The issue before the Panel on appeal is whether the bankruptcy court erred in holding that real property transferred in error to Debtor by his Father pre-petition was impressed with a constructive trust as a matter of law, and thus, the bankruptcy estate had no interest in the real property. The Panel reviews this conclusion of law *de novo*. See *In re Booth*, 260 B.R. 281, 285 (B.A.P. 6th Cir. 2001); *First Union Mortg. Corp. v. Eubanks (In re Eubanks)*, 219 B.R. 468, 469 (B.A.P. 6th Cir. 1998) (citation omitted). After reviewing the record, the parties' briefs, and applicable law, the Panel concludes that the bankruptcy court did not err. Accordingly, for the reasons stated in the bankruptcy court's well-reasoned opinion entered on November 12, 2013, *Helbling v. Thomas, (In re Thomas)*, Ch. 7 Case No. 12-14916, Adv. No. 13-1012 (Bankr. N.D. Ohio 2013) ECF No. 66, we affirm.