

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

1161 LAKE AVENUE CONDOMINIUM
ASSOCIATION, INC. (appellant)

CIVIL ACTION

VERSUS

NO. 12-2971

DEBRA R. GUASTELLA, ET AL
(appellee)

SECTION "N" (5)

ORDER AND REASONS

Before the Court is an appeal from orders of the Bankruptcy Court limiting the appellant's claim to \$86,000, the face amount of the suspensive appeal bond that appellee signed as surety. Appellant argues that the Bankruptcy Court erred in not allowing the full amount of the claim, which comprised the full amount of the state court judgment, plus interest and costs.

Having reviewed the briefs and the designated record, as well as the applicable law, this Court concludes that the Bankruptcy Court did not err in limiting appellant's claim to the terms of the bond. *See Aetna Cas. & Surety Co. v. LaSalle Pump & Supply Co., Inc.*, 804 F.2d 315, 317-18 (5th Cir. 1986) ("Appeal bonds, like any other surety agreement, are strictly construed and the surety's obligation is not extended beyond the limits of the contract."). Accordingly;

IT IS ORDERED that the opinion and orders of the Bankruptcy Court (Rec. Docs. 3-7, 3-12; Bankr. Case No. 11-11574 Rec. Docs. 199, 200, 212) are hereby **AFFIRMED**, and the appellee's motion to dismiss the appeal as untimely (**Rec. Doc. 6**) is **DENIED AS MOOT**.

New Orleans, Louisiana, this 22nd day of April, 2013.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE