

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 11-13115

D.C. Docket Nos. 1:11-cv-00136-CAP; USBC 10-74119-WLH

In re: LOU ANN CASSELL,

Debtor.

ROBERT B. SILLIMAN,
Chapter 7 Trustee,

Plaintiff - Appellant,

versus

LOU ANN CASSELL,

Defendant - Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(March 22, 2013)

Before CARNES, MARTIN, and JORDAN, Circuit Judges.

CARNES, Circuit Judge:

We are grateful to the Supreme Court of Georgia for the clear and dispositive answers it has provided in response to the questions that we certified. See Silliman v. Cassell, No. S12Q1936, — S.E.2d —, 2013 WL 593512 (Ga. Feb. 18, 2013). In light of that Court’s decision, Lou Ann Cassell’s annuity is an “annuity” within the meaning of the Georgia bankruptcy exemption statute, Ga. Code Ann. § 44-13-100(a)(2)(E), and the annuity payments to her are “on account of . . . age.”¹ The judgment of the district court is

AFFIRMED.

¹ The bankruptcy trustee has conceded that the third requirement for the exception under the Georgia statute, which is that the payments are “reasonably necessary to the support of the debtor,” has been met.