

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**HERITAGE BANK OF THE SOUTH, as** }  
**successor to Frontier Bank,** }  
 }  
**Plaintiff,** }  
 }  
**v.** }  
 }  
**JONES & JONES CONSTRUCTION** }  
**LLC, et. al.,** }  
 }  
**Defendants.** }

**Case No.: 2:13-cv-01084-RDP**


**MEMORANDUM OPINION**

On August 15, 2014, the Magistrate Judge’s Second Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. (Doc. # 23). No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge that Heritage Bank’s Motion for Summary Judgment or, in the Alternative, for Default Judgment (Doc. # 14) be granted and that: (1) default be entered in favor of Plaintiff Heritage Bank and against Defendant Jones & Jones on the claim for breach of the note; (2) summary judgment be entered in favor of Heritage Bank and against Mr. Jones on the breach of guaranty claim; (3) summary judgment be entered in favor of the FDIC on any counterclaim asserted by Mr. Jones, and (4) Heritage Bank be awarded the attorneys’ fees sought.

A separate order in accordance with this Memorandum Opinion will be entered.

**DONE** and **ORDERED** this September 2, 2014.

  
\_\_\_\_\_  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE