

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SMARTBANK, *a Tennessee banking Corporation, successor by merger to Capstone Bank,*
Plaintiff,

v.

CIVIL ACTION NO. 1:18-00246-KD-N

THE PUBLIC PARK AND RECREATION BOARD OF WASHINGTON COUNTY, *an Alabama non-profit corporation also known as Washington County Parks and Recreation Board, et al.,*
Defendants.

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 42) made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated October 24, 2018, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the motion to abstain and dismiss (Doc. 27) filed by Defendant the Public Park and Recreation Board of Washington County, a/k/a Washington County Parks and Recreation Board is **DENIED** as to Count 3 of the complaint and is otherwise **GRANTED**, such that Counts 1 and 2 are **DISMISSED without prejudice**.

DONE and **ORDERED** this the 19th day of November 2018.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
CHIEF UNITED STATES DISTRICT JUDGE