

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION**

FDIC as Receiver for Florida Community  
Bank, a Florida banking corporation,

Plaintiff,

v.

CASE NO. 2:10-CV-313-FtM-36DNF

ARBORETUM DEVELOPMENT, LLC a  
Florida limited liability company,  
BAYSHORE CLUB, L.P., an Indiana  
limited partnership now known as Bayshore  
of Naples, L.P., PETERE T. DVORAK,  
CLAY O. WINFIELD, TIMOTHY D.  
KAISER, BOARD OF COUNTY  
COMMISSIONERS, COLLIER COUNTY,  
FLORIDA, PLANNING DEVELOPMENT,  
INC., a Florida corporation,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation submitted by United States Magistrate Judge Douglas N. Frazier on September 28, 2010 (Dkt. 36). The Magistrate Judge recommends that a default be entered against Defendants Arboretum Development, LLC, Clay Winfield, and Timothy Kaiser for failing to comply with orders directing them to retain counsel and/or to notify the Court of their intent to proceed without counsel (Dkt. 24, 35). No objections to the Report and Recommendation were filed, and the time to do so has now expired.

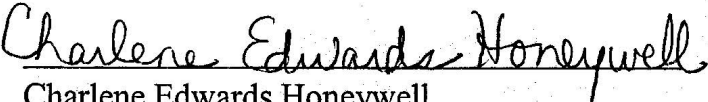
After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the court file, the Court is of the opinion that the

Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects. As such, defaults shall be entered against Defendants Arboretum Development, LLC, Clay Winfield, and Timothy Kaiser.

**ACCORDINGLY**, it is hereby, **ORDERED** and **ADJUDGED** as follows:

- 1) The Report and Recommendation of the Magistrate Judge (Dkt. 36) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- 2) The Clerk is directed to enter a default against Defendants Arboretum Development, LLC, Clay Winfield and Timothy Kaiser.

**DONE AND ORDERED** at Ft. Myers, Florida, on October 13, 2010.

  
Charlene Edwards Honeywell  
United States District Judge

**COPIES TO:**  
COUNSEL OF RECORD AND UNREPRESENTED PARTIES, IF ANY