

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BRANCH BANKING AND TRUST
COMPANY,

Plaintiff,

v.

Case No: 8:15-cv-1462-T-30AAS

CRYSTAL CENTRE, LLC, OSWALD P.
CARREROU and BANK OF AMERICA,
N.A.,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Amanda Arnold Sansone (Dkt. #192) and Leah and Oswald Carrerou's Partial Objection to Report and Recommendation as to Motion for Charging Order Against Oswald Carrerou's Interests in Limited Liability Companies (Dkt. #194).

After careful consideration of the Report and Recommendation of the Magistrate Judge, the Partial Objection, and in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted in part and reversed in part.

Specifically, the Report and Recommendation is adopted to the extent that the Magistrate Judge concluded that six of the limited liability companies (Bretton Ridge LLC, Carrerou Enterprises, LLC, Luxury Apartment Living LLC, Casa Acquisitions, LLC, Premier Construction A/C & Electrical LLC, and Premier Construction LLC) are held by

Defendant Mr. Carrerou and Mrs. Carrerou as tenancy by the entirety; thus, the motion for charging order as to those limited liability companies must be denied.

The Report and Recommendation is also adopted to the extent that the Magistrate Judge concluded that Lake Sears Shores, LLC is not held by Mr. Carrerou and Mrs. Carrerou as tenancy by the entirety and is thus subject to a charging order.

However, the Report and Recommendation is reversed as to the Magistrate Judge's conclusions regarding the following entities: Idylwild Luxury Homes, LLC, Mid-Horizon Investments, LLC, and Sands Aviation, LLC. The Objection attaches corporate documents from each of these entities that show Mr. Carrerou and Mrs. Carrerou as obtaining membership units together, as tenancy by the entirety. Notably, this is the first time Mr. Carrerou has provided this evidence. The Magistrate Judge, at the time that she issued her report and recommendation, was without the benefit of these documents. Although one could argue that this evidence is untimely, it is highly material to the issue at hand and the Court finds it necessary to reach the merits of the issue.

In sum, a charging order will be issued as to Mr. Carrerou's interest in Lake Sears Shores, LLC.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. #192) of the Magistrate Judge is adopted in part and reversed in part, and, to the extent adopted, it is made a part of this order for all purposes, including appellate review.

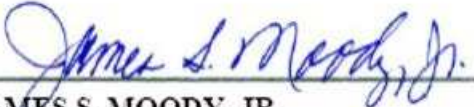
2. Plaintiff's Motion for Charging Order against Oswald P. Carrerou's Interests in Limited Liability Companies (Dkt. #145) is **GRANTED** as to Defendant Carrerou's

interests in Lake Sears Shores, LLC. A Charging Order as to Lake Sears Shores, LLC will be entered.

3. The Motion (Dkt. #145) is **DENIED without prejudice** as to Defendant Carrerou's interests in Bretton Ridge LLC, Carrerou Enterprises, LLC, Luxury Apartment Living LLC, Casa Acquisitions, LLC, Premier Construction A/C & Electrical LLC, Premier Construction LLC, Idylwild Luxury Homes, LLC, Mid-Horizon Investments, LLC, and Sands Aviation, LLC, but Plaintiff is permitted to file a renewed motion, if appropriate, should further post-judgment discovery reveal evidence rebutting a presumption of tenancy by the entireties as to these nine limited liability companies.

4. The Motion (Dkt. #145) is **GRANTED** as to Plaintiff's request for reasonable attorneys' fees and costs incurred in connection with filing this Motion.

DONE and ORDERED in Tampa, Florida, this 5th day of January, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record