

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BRANCH BANKING & TRUST COMPANY,
successor in interest to COLONIAL BANK by
asset acquisition from the FDIC, as Receiver for
COLONIAL BANK,
Plaintiff,

v.

Case No.: 3:10cv10/MCR/EMT

NAVARRE 33, INC., et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated May 21, 2012 (doc. 125). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. That BB & T's motion for final summary judgment against Defendants Navarre 33, Inc., Charles W. Clary, III, William R. McKelvy, and James D. McKelvy (doc. 94) is **GRANTED**.
3. The court finds no just reason for delay of entry of final judgment against Defendants Navarre 33, Inc., Charles W. Clary, III, William R. McKelvy, and James D. McKelvy, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

4. BB & T is directed to submit calculations of the current balances of the outstanding indebtedness with principal, accrued interest, late fees and charges, real estate taxes, and the accrued interest rate within **FOURTEEN (14) DAYS** from the date of docketing of this order.

5. BB & T is awarded its costs and attorney's fees incurred in this action in an amount to be determined by the court.

6. BB & T is directed to file a motion for attorney's fees, in compliance with rule 54.1 of the Local Rules, within **FOURTEEN (14) DAYS** from the date of docketing of this order.

7. Upon BB & T's filing its calculations of the current balances of the outstanding indebtedness, the clerk is directed to enter final judgment in favor of BB & T and against Defendants Navarre 33, Inc., Charles W. Clary, III, William R. McKelvy, and James D. McKelvy, jointly and severally, in that amount.

DONE AND ORDERED this 23rd day of June, 2012.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE