

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv173**

**RES-NC SETTLERS EDGE, LLC, a Florida
limited liability company,**)

Plaintiff,)

Vs.)

ORDER

SETTLERS EDGE HOLDING COMPANY,)
LLC, a North Carolina limited liability company;)
MOUNTAIN AIR DEVELOPMENT)
CORPORATION, a North Carolina corporation;)
VIRGINIA A. BANKS, an individual;)
WILLIAM R. BANKS, an individual;)
JEANI H. BANKS, an individual;)
MICHAEL R. WATSON, an individual;)
SHEREE B. WATSON, an individual;)
MORRIS ATKINS in his capacity as TRUSTEE)
of WILLIAM A. BANKS REVOCABLE)
TRUST, AS AMENDED AND RESTATED;)
MORRIS ATKINS in his capacity as TRUSTEE)
of WILLIAM BANKS FAMILY)
IRREVOCABLE TRUST NUMBER 1; and)
MORRIS ATKINS in his capacity as TRUSTEE)
of WILLIAM BANKS FAMILY)
IRREVOCABLE TRUST NUMBER 2,)

Defendants.)

_____)

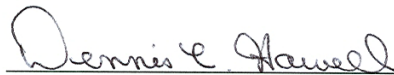
THIS MATTER is before the court on review of the pending Motion to Dismiss. After careful review of all the pleadings, the undersigned has discovered a

conflict which requires recusal. The court apologizes for the delay in its discovery of the conflict, and will instruct the Clerk of this Court to assign another magistrate judge as soon as possible.

ORDER

IT IS, THEREFORE, ORDERED that the undersigned, respectfully, **RECUSES** himself in this case, and instructs the Clerk of Court to refer this matter to another magistrate judge as soon as is possible.

Signed: January 5, 2011

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Dennis L. Howell
United States Magistrate Judge

