

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ERNEST C. SMALLWOOD, JR., ET AL., ) ) Plaintiffs, ) ) VS. ) ) WILLOW WAY, LLC, ET AL., ) ) Defendants. )	CIVIL ACTION NO.  3:17-CV-0242-G (BN)
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**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the amended findings and recommendation of the United States Magistrate Judge dated December 7, 2017, the court finds that the findings and recommendation of the magistrate judge are correct and they are accepted as the findings and recommendation of the court.

It is therefore **ORDERED** that the findings and recommendation of the United States Magistrate Judge are accepted.

The court's previous order accepting findings and recommendation of the United States Magistrate Judge (docket entry 46) is hereby **AMENDED** to provide

that defendant Bank of America, N.A.'s motion to dismiss (docket entry 8) and Willow Way LLC, Richard Anderson and Anderson Vela's motion to dismiss (docket entry 19) are **DENIED** as to plaintiffs Ernest C. Smallwood, Jr. and Eartha Y. Smallwood's statute of limitations claim.

Plaintiffs Ernest C. Smallwood, Jr. and Eartha Y. Smallwood's statute of limitations claim is **NOT DISMISSED** and may proceed in this case.

January 2, 2018.

  
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A. JOE FISH  
Senior United States District Judge