

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

FLAGSTAR BANK, FSB,

Plaintiff,

1:07-cv-70

v.

TIFFANY N. POE and JONATHAN V. POE,

Defendant.

TO: A. Jennings Stone, Esq.

**REPORT AND RECOMMENDATIONS REGARDING PLAINTIFF'S
AMENDED MOTION FOR AWARD OF COSTS AND ATTORNEYS' FEES**

THIS MATTER came before the Court upon Plaintiff's Amended Motion For Award of Costs and Attorneys' Fees (Docket No. 24). Senior District Judge Finch referred the matter to the undersigned for a report and recommendation by Order (Docket No. 25), entered September 28, 2009.

Being thus advised in the premises and upon due consideration thereof, the undersigned proposes the following findings:

1. In the event the Court enters the default judgment as requested, Plaintiff will be the prevailing party in this matter.

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2. As the prevailing party, Plaintiff is entitled to an award of attorney's fees and costs, pursuant to V.I. Code Ann. tit. 5 § 541.
3. The Court has reviewed the Declaration of Counsel in Support of Amended Motion For Costs and Attorneys' Fees and the exhibits attached thereto and finds the amount of attorneys' fees and costs requested by Plaintiff reasonable.

Based upon the proposed findings, the undersigned makes the following recommendations:

1. That, in the event the Court grants Plaintiff's motion for default judgment, Plaintiff's Amended Motion For Award of Costs and Attorneys' Fees (Docket No. 24) be **GRANTED**.
2. That Defendant be ordered to pay to Plaintiff: \$7,695.00 in attorneys' fees and \$1,655.87 in costs, the total amount of **\$9,350.87**.

ENTER:

Dated: October 6, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE