

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRANCH BANKING AND TRUST)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 08-0480-KD-C
)	
THE VESSEL HANKY PANKY,)	Admiralty Claim under
U.S. Official No. 1167753, her engines, etc,)	Fed. R. Civ. P. 9(h)
<i>in rem,</i>)	
)	
and HANKY PANKY, INC.,)	
)	
Defendants.)	

ORDER CONFIRMING SALE AND RELEASE OF VESSEL

This matter is before the court on plaintiff's motion to confirm sale of vessel and to release substitute custodian (doc. 31). It now appears to the court that the sale of the vessel HANKY PANKY, U.S. Official Number 1167753, her engines, etc, *in rem*, was held on November 5, 2008, as reported by the United States Marshal on November 11, 2008, and it further appears that plaintiff Branch Banking and Trust purchased the vessel (doc. 30).¹ No written objections were filed within five (5) days of the date of the sale.² Accordingly, upon consideration of the foregoing and plaintiff's motion;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the sale of the vessel

¹ Because the plaintiff was the successful bidder and the amount bid was less than the amount of its claim, plaintiff is not required to transfer any funds to the U. S. Marshal as a condition of confirmation (doc. 26, ¶ 6, decree ordering sale of vessel).

² "In all sales by the Marshal pursuant to orders of sale under the Admiralty Supplemental Rules, the Marshal shall report to the court the fact of sale, the price brought, and the name of the buyer. If within five days after the sale, *see* Fed.R.Civ.P.6(a) (computation of time), no written objection is filed, the same shall automatically stand confirmed if the buyer has performed the terms of his purchase." Local Rule 9 for the Southern District of Alabama.

HANKY PANKY to Branch Banking and Trust is hereby CONFIRMED; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshal for the Southern District of Alabama shall execute and deliver a Bill of Sale conveying all right, title and interest in and to the vessel HANKY PANKY, her engines, etc., to Branch Banking and Trust, or its nominee, if so requested in writing by counsel for plaintiff, free and clear of all liens, mortgages, or other encumbrances; and

IT IS FURTHER ORDERED that the vessel HANKY PANKY, be and the same is hereby released from seizure and court-directed custodianship by substitute custodian, Orange Beach Marina, Inc., to Branch Banking and Trust Company, or its successor in title, as may be appropriate, and Orange Beach Marina, Inc., is relieved of further duties.

DONE this 12th day of February, 2009.

/s/ Kristi K DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE