

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

UNITED BANK)	
)	
Plaintiff,)	
)	
v.)	CIVIL CASE NO: 1:09-cv-294-CG-C
)	
M/V THE CROWN ROYAL, her engines,)	
tackle, appurtenances, boats, <u>etc.</u>, M/V)	
RESTLESS, her engines, tackle,)	
appurtenances, boats, <u>etc.</u>, <u>in rem</u>, and)	
RICHARD J. ALLEN, SHERI A. ALLEN,)	
and R & S, LLC, an Alabama limited)	
liability company, <u>in personam</u>,)	
)	
Defendants.)	

ORDER

This matter is before the court on plaintiff’s Motion for Attorney’s Fees and to Tax Costs (Doc. 58), and Motion for Final Judgment (Doc. 68).

The record reflects that defendants Richard J. Allen, Sheri A. Allen and R & S, LLC defaulted on a promissory note executed and delivered to plaintiff United Bank. This action was brought against those defendants, as well as the M/V The Crown Royal and the M/V Restless, two (2) shrimp boats that were offered as collateral for repayment of the loan. The M/V The Crown Royal was arrested and sold by the U.S. Marshal Service on October 27, 2010. The sale was confirmed by this Court (Doc. 65). The M/V Restless was dismissed as it is not within the jurisdiction of this Court. On August 10, 2010, this court entered a default judgment against defendants Richard J. Allen, Sheri A. Allen and R & S, LLC in the amount of \$277,920.57.

Plaintiff also seeks an award of attorney’s fees and presented the affidavits of Craig D. Olmstead, counsel for the plaintiff, and David O’Brien, an attorney in Mobile, Alabama. Based

on the pleadings before the court and the affidavits, the court finds plaintiff is entitled to recover attorney's fees in the amount of \$28,282.50. The court further awards plaintiff the cost of the Substitute Custodian in the amount of \$9,368.87, publication costs in the amount of \$1,431.04, U.S. Marshal fees in the amount of \$239.00, and court costs in the amount of \$852.00. The total amount awarded to the plaintiff is \$318,093.98.

The U.S. Marshal Service has deposited the sum of \$8,000.00 with the court following the sale of the M/V The Crown Royal. The clerk of the court is hereby directed to issue a check in the amount of \$8,000.00 payable to Olmstead & Olmstead, L.L.C. Trust Account, 234 Office Park Drive, Gulf Shores, AL 36542, as attorney for plaintiff, United Bank. The total amount due to the plaintiff by the defendants shall be reduced by the \$8,000.00 held in the court registry so that the final judgment amount shall be \$310,093.98. Plaintiff is entitled to an award of post judgment interest. Post judgment interest shall accrue on this judgment at the rate of 0.27% per day pursuant to Title 28 § 1961 of the Federal Rules of Civil Procedure.

DONE and ORDERED this 8th day of December, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE