

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GBC INTERNATIONAL BANK,

Plaintiff,

v.

MISS CORINNE, Official Number
607659, her mast, bowsprit, cables,
chains, rigging, equipment, gear,
furniture, apparel, fixtures, tackle,
boat, machinery, anchors, fishing
rights, and all other additions,
improvements and necessaries
appertaining, *in rem*; and F/V MISS
CORINNE LLC., *in personam*,

Defendants.

3:12-cv-00035-SLG-JDR

ORDER AUTHORIZING
INTERLOCUTORY SALE OF
VESSEL

(Docket No. 35)

THIS MATTER having come before the Court and the Court having reviewed the pleadings on file in this matter, including the Verified Complaint of Plaintiff, GBC INTERNATIONAL BANK, and the Clerk's Entry of Default *In Rem* after the Defendants failed to appear in this matter after having received summons (Dockets 20 and 21) and it is undisputed that Plaintiff holds a valid Preferred Ship Mortgage on the Vessel MISS CORINNE, Official Number 607659, her mast, bowsprit, cables, chains, rigging, equipment, gear, furniture, apparel, fixtures, tackle, boat, machinery,

anchors, freights, fishing rights, and all other additions, improvements and necessities appertaining *in rem*.

NOW, THEREFORE:

IT IS ORDERED that the Defendant Vessel and its mast, bowsprit, cables, chains, rigging, equipment, gear, furniture, apparel, fixtures, tackle, boat, machinery, anchors, freights, fishing rights, and all other additions, improvements and necessities appertaining that have been arrested and are being held in custody shall be sold free and clear of all liens by the U.S. Marshal for the District of Alaska at the Federal Courthouse, 222 West 7th Avenue, Anchorage, Alaska, 99513, at the 7th Avenue entrance on Thursday, June 21, 2012 at 10:00 a.m.

IT IS FURTHER ORDERED that the Clerk of this court shall issue a writ of *venditioni exponas* to the U.S. Marshal for such public sale of the Defendant Vessel, and its respective equipment, etc., in accord with Local Admiralty Rule (e)-14 to the highest and best bidder, who shall be a citizen of the United States, qualified to document vessels under United States law as provided by 46 U.S.C. § 31329.

IT IS FURTHER ORDERED that the Plaintiff shall publish the attached *Notice of Sale of Vessel* in accord with Local Admiralty Rule (e)-14(b) with notice of the sale given by publication in newspapers of general circulation, four (4) times on different days during not less than two weeks, with publication to be completed not less than five (5) calendar days prior to the date of sale.

IT IS FURTHER ordered that the U.S. Marshal is directed to acquaint prospective bidders with the provisions of this order of sale and to announce it at the time of sale.

IT IS FURTHER ORDERED that this sale is subject to confirmation by the Court. The Vessel's custodian shall, during reasonable business hours, allow prospective purchasers to board the vessel *at their own risk* for the purpose of inspecting them.

IT IS FURTHER ORDERED that the highest and best bidder must immediately pay the Marshal, by cash, certified check or cashier's check, the full purchase price if it is \$1,000.00 or less, and if more, must pay the greater of \$1,000.00 or at least 10% of the bid within a reasonable time set by the Marshal. The balance will be paid within seven (7) days, excluding Saturdays, Sundays and holidays in accordance with Local Admiralty Rule (e)-14(d) "provided that if an objection to the sale is filed within that seven-day period, the bidder is excused from paying the balance of the purchase price until seven (7) court days after the sale is confirmed." If the sale is confirmed, the deposit will be applied to the purchase price. If the sale is not confirmed, the deposit will be returned to the bidder at once. If the bidder fails to pay the balance due and, because of his default a new sale is ordered, the deposit will be forfeited and applied to pay the costs of resale.

IT IS FURTHER ORDERED that the U.S. Marshal's office in Anchorage is authorized to receive any written bid delivered to it by 4:00 p.m. the day before the scheduled sale (June 20, 2012), if it is accompanied by a certified check or a cashier's check for at least 10% of the bid. The written bid shall not be disclosed until commencement of the sale. If the bid is not accepted, the check shall be returned to the bidder at once.

IT IS FURTHER ORDERED that Plaintiff, GBC International Bank, is authorized to credit bid for the Vessel up to \$359,898.10. If Plaintiff is the high bidder, it need not make any cash payment, other than (1) the amount necessary to pay any previously-unpaid U.S. Marshal's costs and fees and (2) the U.S. Marshal's commission.

IT IS FURTHER ORDERED that the proceeds of the sale shall be paid to the registry of the Court to be disposed of according to further order of the Court. The U.S. Marshal shall submit a bill of his charges to the Court.

IT IS SO ORDERED.

DATED this 5th day of June, 2012, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GBC INTERNATIONAL BANK,

Plaintiff,

v.

MISS CORINNE, Official Number
607659, her mast, bowsprit, cables,
chains, rigging, equipment, gear,
furniture, apparel, fixtures, tackle,
boat, machinery, anchors, fishing
rights, and all other additions,
improvements and necessities
appertaining, *in rem*; and F/V MISS
CORINNE LLC., *in personam*,

Defendants.

3:12-cv-00035-SLG-JDR

NOTICE OF SALE OF VESSEL

The U.S. District Court for the District of Alaska ordered on June 5, 2012, that the *in rem* defendant Vessel MISS CORINNE, Official Number 607659, and its mast, bowsprit, cables, chains, rigging, equipment, gear, furniture, apparel, fixtures, tackle, boat, machinery, anchors, freights, fishing rights, and all other additions,

improvements and necessities appertaining that have been arrested and are being held in custody be sold by the U.S. Marshal as is, where is, free and clear of any liens, claims, maritime liens, rights *in rem*, rights of redemption or encumbrances whatsoever.

The sale of the Vessel, now lying at Dutch Harbor, Alaska, shall be held on Thursday, June 21, 2012 at 10:00 a.m. in the foyer of the Federal Courthouse located at 222 West 7th Avenue, Anchorage, Alaska 99513, at the 7th Street entrance.

The sale will be conducted in accord with Local Admiralty Rule (e)-14. The sale will be to the highest bidder. Bidders must be qualified to document vessels under United States law as provided by 46 U.S.C. § 31329. Payments must be made in cash or certified or cashier's check. Initial payment must be made in accord with Local Admiralty Rule (e)-14(d), and the successful bidder must pay the greater of \$1,000.00 or at least 10% of the bid within a reasonable time set by the U.S. Marshal. If a sale is not confirmed, the deposit will be returned to the bidder at once. The successful bidder must pay any balance of the purchase price within seven (7) calendar days of the date of sale unless an objection to the sale is filed within that seven (7) day period. Failure to do so may result in forfeiture of the deposit for application to the costs of this action. If an objection is file, then the balance shall be paid within seven (7) days of confirmation of the sale.

Sealed written bids will be accepted by the U.S. Marshal until 4:00 p.m. of the business day preceding the sale (June 20, 2012), and must be accompanied by a certified or cashier's check for 10% of the bid.