

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA  
AT KETCHIKAN**

**BLX COMMERCIAL CAPITAL, LLC f/k/a  
BLC COMMERCIAL CAPITAL CORP.,**

Plaintiff,

v.

**THE VESSEL ROCKY BAY**, Official Number 1087789, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, *in rem*, **THE VESSEL HALL PT** a/k/a **HALL POINT**, Official Number 913640, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, *in rem*, **ROCKY BAY, LLC**, an Alaska Limited Liability Company, **DONALD G. MUNHOVEN** and **SUANN A. MUNHOVEN**, husband and wife, *in personam*,

Defendants.

Case No. 5:09-CV-0003-JWS-JDR

**ORDER AUTHORIZING INTERLOCUTORY SALE OF VESSEL**

**THIS MATTER** having come before the Court and the Court having reviewed the pleadings on file in this matter, including the Notice of Federal Bankruptcy Court Judgment Listing Automatic Stay at Docket 86, the motions to have Defendant Vessel **ROCKY BAY**, O.N. 1087789, returned to the custody of this Court at Dockets 87 through 95 and the and the March 10, 2010 Motion for Interlocutory Sale at Docket 96, and noting that it is admitted that Plaintiff holds valid Preferred Ship Mortgages on said vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, now, therefore,

**IT IS ORDERED** that the defendant vessel **ROCKY BAY** be sold by the United States Marshal starting at <sup>2:00 p.m.</sup>~~11:00 a.m.~~ on the 6<sup>th</sup> day of April 2010, at the United States

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Court House in Ketchikan, Alaska with notice of the sale given by publication in a newspaper of general circulation in Ketchikan, Alaska, four (4) times on different days during not less than two weeks, with publication to be completed not less than five (5) days prior to the date of sale in accordance with Local Admiralty Rule (e)-14(b)(1); and

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to issue this order to the United States Marshal directing the sale of the vessel ROCKY BAY at public auction to the highest bidder, the minimum bid for the ROCKY BAY being \$1,200,000.00, requiring cash or certified or cashier's check in the amount of ten percent (10%) of the bid at time of sale, the balance to 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"; and

**IT IS FURTHER ORDERED** that the proceeds of the sale shall be deposited in the registry of the Court in order that a final decree of distribution can be made at a later time; and

**IT IS FURTHER ORDERED** that the Plaintiff is authorized to bid in offset up to the amount of \$1,598,496.11 with interest accruing at the rate of \$175.69 per day after March 31, 2010 plus the amount of *custodia legis* costs from the date of arrest to the date of sale, and that the Plaintiff's bid shall stand in the place of a cash deposit up to that amount, if the Plaintiff is the highest bidder at the sale.

**IT IS FURTHER ORDERED** that the Vessel shall not be sold to any person not a citizen of the United States within the meaning of 46 U.S.C. § 961; and

**IT IS FURTHER ORDERED** that upon application to the U.S. Marshal and upon prior notice to and in the company of the custodian for Plaintiff, prospective bidders shall be permitted to board and inspect the Vessel at the sole expense of risk of such prospective bidders or their representatives; and

**IT IS FURTHER ORDERED** that the U.S. Marshal shall bring the proceeds of the sale into court and deposit the same with the clerk thereof, pending further order of this Court. All liens upon the Vessel at the time of its sale shall attach to the proceeds thereof in the same relative priorities they enjoyed when they attached to the Vessel; and

**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.

DATED this 22<sup>nd</sup> day of March 2010 at Anchorage, Alaska.

/s/John D. Roberts, USMJ  
Signature Redacted  
**JOHN D. ROBERTS**  
U.S. MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

This is to certify that on the 10<sup>th</sup> day of March 2010, a true and correct copy of the foregoing **Proposed Order Authorizing Interlocutory Sale of Vessel** was served upon the following party via ECF:

John Casperson, Esq., Attorney for Defendants

/s/ Anne O'Leary  
Anne O'Leary