

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

FALCON STEEL, INC.

PLAINTIFF

v.

Civil No. 09-2007

J. RUSSELL FLOWERS, INC.;
US TECHNOLOGY MARINE SERVICES, LLC;
and JP MORGAN CHASE BANK, N.A.

DEFENDANTS

and

ROGERS INDUSTRIAL, INC.

INTERVENOR

J U D G M E N T

Now on this 17th day of November, 2009, for reasons set forth in a Memorandum Opinion of even date herewith, the Court enters judgment as follows:

IT IS HEREBY ORDERED that Falcon Steel, Inc., is entitled to judgment against U.S. Technology Marine Services, LLC, for the sum of Three Hundred Seventy-Six Thousand Six Hundred Fifty-Nine and 82/100 Dollars (\$376,659.82), with prejudgment interest at the rate of 6% per annum from August 29, 2008, until the date of judgment, and interest thereafter at the rate of .33% per annum until paid.

IT IS FURTHER ORDERED that Falcon Steel, Inc., is entitled to a first lien on barges identified as F3, F4, F5, and F6, now under construction at the shipyard located at 6600 Grand Ave., Ft. Smith, Arkansas, to secure its judgment against U.S. Technology Marine Services, LLC.

IT IS FURTHER ORDERED that, if the judgment in favor of

Falcon Steel, Inc., be not paid within ten days from the date of this Judgment, the United States Marshal for the Western District of Arkansas shall advertise the time, place, and terms of judicial sale of the barges herein identified, according to law and this Judgment, at least once weekly for four weeks prior to sale in a newspaper having a general circulation in Sebastian County, Arkansas, and shall sell at public outcry, to the highest qualified bidder, at the main door of the Sebastian County Courthouse, in Fort Smith, Arkansas, on a credit of three months, the property above described. The proceeds of this judicial sale shall be applied, first, to the costs of sale, and second, to the judgment of Falcon Steel, Inc. Any undisbursed proceeds of sale shall be paid over to US Technology Marine Services, LLC.

The purchaser or purchasers at the Marshal's sale shall give bond, with approved security, to secure payment of the purchase price, and a lien shall be retained on each barge to secure payment thereof. If Falcon Steel, Inc., purchases any of the barges for an amount not in excess of its judgment and costs, it may credit the amount of its bid, less all court costs, upon its judgment and need not give bond to secure the purchase price.

IT IS FURTHER ORDERED that Rogers Industrial, Inc., is entitled to judgment against U.S. Technology Marine Services, LLC, in the sum of One Hundred Three Thousand Forty-Three and 14/100 Dollars (\$103,043.14), with prejudgment interest at the rate of 6%

per annum from December 17, 2008, until the date of judgment, and interest thereafter at the rate of .33% per annum until paid.

IT IS SO ORDERED, this 17th day of November, 2009.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE