

1 Strata LLC to Banner Bank (the Strata Vessel) and (2) defendant That Certain 55'
2 Single Oil Screw Commercial Fishing Purse Seiner, Official No. CF 2484 VE, at
3 one time named "STEALTH," her engines, tackle, apparel, furniture, appurtenances
4 and equipment, and all other personal property pledged by F/V Stealth, Inc. to
5 Banner Bank (the Stealth Vessel) (the Strata and Stealth Vessels are sometimes
6 collectively referred to as the Vessels), now makes the following findings:

7 A. Banner Bank is entitled to a default judgment against the defendant
8 Vessels, no answer or statement of right or interest having been filed;

9 B. Banner Bank's claim under its preferred marine mortgage on the
10 defendant Strata Vessel is superior to that of any other claimant; and

11 C. Banner Bank's claim under its preferred marine mortgage on the
12 Stealth Vessel is superior to that of any other claimant.

13 **NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

14 1. Banner Bank's preferred marine mortgage on the Strata Vessel is
15 foreclosed;

16 2. Banner Bank's preferred marine mortgage on the Stealth Vessel is
17 foreclosed;

18 3. Banner Bank shall have judgment against the Strata Vessel *In Rem* as
19 follows:

20 (a) \$406,106.12 (principal amount);

21 (b) prejudgment interest through August 10, 2018 in the amount of
22 \$54,206.71;

23 (c) prejudgment interest from August 11, 2018 through September 20,
24 2018 in the amount of \$2,707.37;

25 (d) late fees in the amount of \$24,697.71; and

26 (e) administrative expenses and attorneys' fees and costs as
27 subsequently approved by the Court;

28 4. The judgment against the Strata Vessel shall bear interest at the rate of

1 six percent (6%) per annum from the date of granting this judgment until paid;

2 5. Banner Bank shall have judgment against the Stealth Vessel *In Rem* as
3 follows:

4 (a) \$964,637.50 (principal amount);

5 (b) prejudgment interest through August 10, 2018 in the amount of
6 \$128,759.33;

7 (c) prejudgment interest from August 11, 2018 through September 20,
8 2018 in the amount of \$6,430.92;

9 (d) late fees in the amount of \$7,988.80; and

10 (e) administrative expenses and attorneys' fees and costs as
11 subsequently approved by the Court;

12 6. The judgment against the Stealth Vessel shall bear interest at the rate
13 of six percent (6%) per annum from the date of granting this judgment until paid;

14 7. The U.S. Marshal and Substitute Custodian shall, pursuant to the rules
15 of the United States District Court for the Central District of California, cause the
16 Vessels to be condemned and sold in accordance with Supplemental Rule E, the
17 Local Admiralty Rules, and the practices of this Court, after publication of the sale
18 in the L.A. Daily Journal, at public auction to the highest and best bidder, the sale
19 to be held alongside the Vessels on a date and at a time satisfactory to the U.S.
20 Marshal to be determined after entry of this Order;

21 8. At such sale Banner Bank shall be permitted, but not required, to bid
22 on either of the Vessels in any part of the judgment against that Vessels and accrued
23 interest here awarded without cash deposit;

24 9. If either of the Vessels is sold to any party other than Banner Bank,
25 the actual amount received by Banner Bank from the sale of that Vessel(s) after
26 payment of the U.S. Marshals' and Substitute Custodian's charges shall be the net
27 proceeds of sale to be credited against the judgment against that Vessel(s), but, in
28 the event Banner Bank is the successful bidder on a Vessel(s) at such sale, the

1 amount to be credited against the judgment against such Vessel(s) shall be the
2 proceeds of the subsequent sale by Banner Bank of such Vessel(s), net of all costs
3 of repair, care, custody and sale;

4 10. The U.S. Marshal shall deposit the proceeds of the sale, if any, in the
5 Registry of the Court and the Clerk shall, after having paid all costs and
6 administrative expenses as approved by subsequent Order, pay to Banner Bank so
7 much of the balance remaining as is necessary to satisfy the judgment here
8 awarded, and the clerk shall retain the remainder of the proceeds, if any, in the
9 Registry of the Court subject to further Order.

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11 Dated: October 10, 2018


12 UNITED STATES DISTRICT JUDGE