

1 PAUL N. BALESTRACCI (SBN: 83987)  
LISA BLANCO JIMENEZ (SBN: 234671)  
2 NEUMILLER & BEARDSLEE  
A PROFESSIONAL CORPORATION  
3 P.O. Box 20  
Stockton, CA 95201-2030  
4 Telephone: (209) 948-8200  
Facsimile: (209) 948-4910

5 Attorneys for Plaintiff,  
6 BANK OF THE WEST

7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 BANK OF THE WEST, a California  
11 corporation,

12 Plaintiff,

13 vs.

14 M/V SAND DOLLAR, Official Number  
1058606, Hull Number CIR30024L596, a 1996  
15 Carroll Marine Mumm 30, 6 gross ton,  
recreational vessel, including her engines, tackle,  
16 apparel, furniture, equipment, and supplies, etc.  
*in rem*, and ERICH C. BAUER, *in personam*,

17 Defendants.  
18

) Case No. 2:10-cv-00363-LKK-DAD  
)  
)

) **IN ADMIRALTY**  
)

) **AMENDED ORDER APPOINTING**  
) **SUBSTITUTE CUSTODIAN AND FOR**  
) **AUTHORIZATION FOR MOVEMENT**  
) **OF DEFENDANT VESSEL**

19 Plaintiff BANK OF THE WEST (“BANK”), by and through its attorneys, Neumiller &  
20 Beardslee, having appeared and the Court having reviewed the Application to Amend Order  
21 Appointing Substitute Custodian and for Authorization for Movement of Vessel, as well as the  
22 Supplemental Declaration of Substitute Custodian in Support of Application to Amend Order  
23 Appointing Substitute Custodian;

24 IT IS HEREBY ORDERED AND ADJUDGED that the United States Marshal for the  
25 Eastern District of California is authorized and directed to transfer possession of the M/V SAND  
26 DOLLAR, Official Number 1058606, Hull Number CIR30024L596, a 1996 Carroll Marine Mumm  
27 30, 6 gross ton, recreational vessel, including her engines, tackle, apparel, furniture, equipment, and  
28 supplies, etc. *in rem*, (the “VESSEL”) to National Liquidators (National Maritime Services, Inc., a

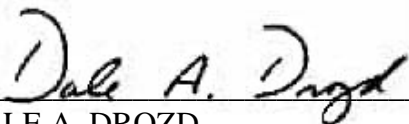
1 Florida corporation) (“NMS”). Immediately after arresting the VESSEL and, upon surrender, the  
2 United States Marshal shall be discharged from his duties and responsibilities for safekeeping of the  
3 VESSEL, and shall be held harmless from any and all claims arising out of the VESSEL, and shall  
4 be held harmless from any and all claims arising out of the substitute custodian’s possession and  
5 safekeeping.

6 IT IS FURTHER ORDERED AND ADJUDGED that NMS is appointed substitute custodian  
7 of the VESSEL, to take possession of the VESSEL after the arrest by the United States Marshal, and  
8 to retain her in its custody for possession and safekeeping until further order of this court.

9 IT IS HEREBY ORDERED AND ADJUDGED that the Order Appointing Substitute  
10 Custodian issued by this court on February 16, 2010 is amended to authorize the Substitute  
11 Custodian, NMS, to move the VESSEL to Delta Boat Works, 106 West Brannan Island Road,  
12 Isleton, California 95641-9760;

13 IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff’s attorney will serve a copy  
14 of this order on the owner of the VESSEL at such time as the owner appears in this action.

15 DATED: February 18, 2010.

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19 DALE A. DROZD  
20 UNITED STATES MAGISTRATE JUDGE

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