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

18 Defendants.

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

**IN ADMIRALTY**

**SECOND AMENDED ORDER  
AUTHORIZING ARREST OF  
DEFENDANT VESSEL PURSUANT  
TO SUPPLEMENTAL ADMIRALTY  
RULE C**

19 Plaintiff BANK OF THE WEST ("BANK"), by and through its attorneys of record  
20 Neumiller & Beardslee, having appeared in the matter, and the court having reviewed the  
21 Application for Second Amended Order Authorizing Arrest of Defendant Vessel pursuant to  
22 Supplemental Admiralty Rule C, as well as the Declaration of Substitute Custodian, Robert McKee,  
23 Jr. and Paul N. Balestracci in support of Application for Second Amended Order Authorizing Arrest  
24 of Vessel;

25 IT IS HEREBY ORDERED AND ADJUDGED that this court's amended order of April 16,  
26 2010 Authorizing Arrest of Defendant Vessel pursuant to Supplemental Admiralty Rule C is  
27 amended as follows:  
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1 The Court, having reviewed the Verified Complaint of the Plaintiff BANK OF THE WEST,  
2 and upon application of Plaintiff for an Order Authorizing a Warrant of Arrest, finds that the  
3 conditions for an action *in rem* appear to exist, and it is therefore

4 ORDERED that the immediate issuance of a warrant for the arrest of the Defendant Vessel  
5 M/V SAND DOLLAR, Official Number 1058606, Hull Number CIR30024L596, a 1996 Carroll  
6 Marine Mumm 30, 6 gross ton, recreational vessel, including her engines, tackle, apparel, furniture,  
7 equipment, and supplies, etc. *in rem*, and all of her engines, tackle, accessories, equipment,  
8 furnishings (the "VESSEL") and appurtenances is authorized. This includes any trailer or other  
9 conveyance upon which the VESSEL rests, is stored, or is otherwise attached to.

10 IT IS FURTHER ORDERED that the Clerk of the District Court shall immediately prepare a  
11 Warrant for the Arrest of the Defendant VESSEL and shall deliver it to the United States Marshal  
12 for the Eastern District of California for service; and

13 IT IS FURTHER ORDERED that any person claiming an interest in the Defendant VESSEL  
14 shall be entitled upon request to a prompt hearing at which the Plaintiff shall be required to show  
15 why the arrest should not be vacated or other relief granted consistent with the Supplemental Rules  
16 for Certain admiralty and Maritime Claims, and

17 IT IS FURTHER ORDERED that a copy of this Order be attached to and served with the  
18 said Warrant For Arrest In Action *in rem*, and

19 IT IS FURTHER ORDERED that the United States Marshal for the Eastern District of  
20 California may enter the real property at 14191 Sargent Avenue, Galt, California to serve the arrest  
21 warrant on the VESSEL, and take possession thereof, and further to use whatever force necessary to  
22 gain entry to the real property to serve the warrant and take possession of the VESSEL, including  
23 any force reasonably necessary to disable or overcome any lock or other barrier to entry of the real  
24 property and any device which secures the VESSEL to any item on the real property.

25 IT IS FURTHER ORDERED that the United States Marshal is authorized to secure and  
26 remove the VESSEL from the real property and to take possession of any trailer or other vehicle or

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1 conveyance on which the VESSEL rests on, is attached to, or can otherwise be used to move or  
2 transport the VESSEL.

3  
4 DATED: April 27, 2010

*Dale A. Drozd*  
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5 DALE A DROZD  
6 UNITED STATES MAGISTRATE JUDGE

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