Stephen E. Jenkins (State Bar No. 97642) Pamela L. Cox (State Bar No. 191883) HEMAR, ROUSSO & HEALD, LLP 15910 Ventura Boulevard, 12th Floor 3 Encino, California 91436 (818) 501-3800 (818) 501-2985 (Fax) 4 5 Refer to File Number: 4158-20093272 Attorneys for Plaintiff 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 PNC BANK, N.A., a National Association, as) CASE NO.: 10-CV-1916-JAM-EFB successor in interest to National City Bank, 12 IN ADMIRALTY 13 Plaintiff(s), ORDER DEEMING VESSEL ARRESTED OR IN THE ALTERNATIVE, ORDERING Hemar, Rousso & Heald, LLP 15910 Ventura Boulevard, 12 Floor Encino, CA 91436 (818) 501-3800 14 ARREST OF VESSEL BELINDA L. SMITH, In Personam; 15 Personam; B & B DREAMIN', Hull No.) GMKD283C505 (the "Vessel"), its engines,) 16 machinery, appurtenances, etc In Rem, **Defendants** 17 18 19 Plaintiff PNC BANK, N.A., a National Association ("PNC" or "Plaintiff"), as successor in 20 interest to NATIONAL CITY BANK ("NATIONAL CITY"), by and through its counsel of record Hemar, Rousso & Heald, LLP, having appeared and made the following recitals: 21 22 1. On or about July 20, 2010, the Complaint herein was filed praying that Defendant Vessel B & B DREAMIN', Hull No. RGMKD283C505, her engines, tackle, accessories, 23 24 equipment, furnishings and appurtenances (collectively "the Vessel") and all other necessaries thereunder appertaining and belonging, be condemned and sold to pay Plaintiff's demands and claims 25 and for other proper relief. 26 27 2. On or about September 10, 2010, the Clerk of this Court issued a Warrant for Arrest of 28 the Vessel commanding the United States Marshal for this District to arrest and take into custody the

[Proposed] ORDER DEEMING VESSEL ARRESTED OR IN THE ALTERNATIVE, ORDERING ARREST OF VESSEL

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same.												
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- 3. On or about October 6, 2010, the Court issued its Order Appointing Substitute Custodian and Authorizing Movement and Inspection of Vessel entitling National Maritime Services, Inc. to assume the responsibility for safekeeping the said Vessel to act as her substitute custodian until further order of this Court
- 4. The United States Marshal for the Eastern District of California has declined to arrest the Vessel on the ground that the Vessel is already in possession of the Substitute Custodian.

THEREFORE, IT IS ORDERED that:

The Vessel, pursuant to the Warrant for Arrest, be deemed arrested and that National Maritime Services, Inc. is appointed as substitute custodian, and that the United States Marshal shall be discharged from the duties and responsibilities for the safekeeping of the Vessel and held harmless from any and all claims arising whatsoever out of said custodial services.

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The United States Marshal for the Eastern District of California be required to carry out and effectuate this Court's previous Orders with regard to the Arrest of the Vessel and that the Vessel be turned over to the custody of National Maritime Services, Inc. which was appointed as custodian of the Vessel and National Maritime Services, Inc. shall retain the Vessel in its custody for possession and safekeeping until further order of this Court and that National Liquidators, may move the Vessel from its current location to a secure facility within the district, if necessary.

IT IS FURTHER ORDERED that Plaintiff's attorney serve a copy of this order on the owner of the Vessel.

IT IS FURTHER ORDERED that the Clerk of this Court deliver three (3) certified copies of this order to the United States Marshal forthwith.

DATED this 15th day of March, 2011.

/s/ John A. Mendez ITED STATES DISTRICT JUDGE

	1	Presented by:									
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ORDERING ARREST OF VESSEL