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5 Refer to File Number: 4158-20093272

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7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11	PNC BANK, N.A., a National Association, as)	CASE NO.: 10-CV-1916-JAM-EFB
12	successor in interest to National City Bank,		
13	Plaintiff(s),)	IN ADMIRALTY
14	v.		
15	BELINDA L. SMITH, In Personam; , In)	REVISED ORDER DEEMING VESSEL
16	Personam; B & B DREAMIN', Hull No.)		
17	GMKD283C505 (the "Vessel"), its engines,)	ARRESTED
18	machinery, appurtenances, etc In Rem,		
	Defendants)	

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**
 21 Hemar, Roussou & Heald, LLP, having appeared and made the following recitals:

22 1. On or about July 20, 2010, the Complaint herein was filed praying that Defendant
 23 Vessel **B & B DREAMIN', Hull No. RGMKD283C505, her engines, tackle, accessories,**
 24 **equipment, furnishings and appurtenances** (collectively "the Vessel") and all other necessities
 25 thereunder appertaining and belonging, be condemned and sold to pay Plaintiff's demands and claims
 26 and for other proper relief.

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

1 Defendant Vessel and to detain the same in his custody until further order of this Court respecting
2 same.

3 3. On or about October 6, 2010, the Court issued its Order Appointing Substitute
4 Custodian and Authorizing Movement and Inspection of Vessel entitling National Maritime Services,
5 Inc. to assume the responsibility for safekeeping the said Vessel to act as her substitute custodian until
6 further order of this Court

7 4. The United States Marshal for the Eastern District of California has declined to arrest
8 the Vessel on the ground that the Vessel is already in possession of the Substitute Custodian.

9 **THEREFORE, IT IS ORDERED** that:

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

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

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

18 ~~HEMAR, ROUSSO & HEALD, LLP~~ DATED this 29th day of March, 2011.

19
20 /s/ John A. Mendez
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 HEMAR, ROUSSO & HEALD, LLP
24

25 By /s/ STEPHEN E. JENKINS
26 STEPHEN JENKINS
27 PAMELA L. COX
28 Attorneys for Plaintiff