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**FILED**

DEC 14 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

Refer to File Number: 4158-20093272/WS

Attorneys for Plaintiff  
PNC BANK, N.A.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PNC BANK, N.A., a National Association,  
as successor in interest to National City  
Bank.

Plaintiff(s),

vs.

BELINDA L. SMITH, In Personam;  
JACOB WINDING, In Personam; B & B  
DREAMIN', Hull No. GMKD283C505, its  
engines, machinery, appurtenances, etc. In  
Rem.

Defendants.

CASE NO. 10-CV-1916-JAM-EFB

**IN ADMIRALTY**

**JUDGMENT OF FORECLOSURE OF  
PREFERRED SHIP MORTGAGE**

**John Mendez, United States District  
Judge**

AND RELATED COUNTER CLAIMS

1 **JUDGMENT OF FORECLOSURE OF PREFERRED SHIP MORTGAGE**

2 On March 16, 2015, the Magistrate judge filed findings and recommendations  
3 herein, which were served on the parties and which contained notice that any objections to  
4 the findings and recommendations were to be filed within fourteen days [ECF 160]. No  
5 objections were filed. On May 14, 2015, this Court filed an order adopting the findings of  
6 the Magistrate [ECF 161]. Likewise on May 14, 2015, the Court and entered Judgment in  
7 favor Plaintiff PNC BANK, N.A. as to Plaintiff's Motion for Summary Judgment, thereby  
8 permitting sale of Defendant vessel B&B DREAMIN', a 2005 Commodore Regal  
9 recreational vessel, Hull No. GMKD283C505, its engines, machinery, appurtenances, etc.  
10 *in rem.* ("the Vessel") [ECF 162.]

11 This "Judgment of Foreclosure of Preferred Ship Mortgage" supplements the  
12 existing Judgment [ECF 162] to the extent of confirming the foreclosure, as detailed  
13 herein. In all other respects, the existing Judgment remains in full force and effect.

14 Following motion by Plaintiff for authority to sell the Vessel [ECF 173], this Court  
15 issued an Order authorizing sale of the Vessel [ECF 187], and the Clerk of the Court  
16 issued a Writ of Veditoni Exponas directing the United States Marshal for the Eastern  
17 District of California to sell the Vessel at public auction. [ECF 190.] Notice of Sale was  
18 subsequently published in the Sacramento Bee, and proof of publication of such Notice  
19 was subsequently filed with the Court. [ECF 191.]

20 The United States Marshal for the Eastern District of California having sold the  
21 Vessel on November 16, 2016, at 10:00 a.m., and the United States Marshal for the Eastern  
22 District of California having advised the Court of its receipt of \$41,000.00 from the sale  
23 and deposited such funds with the United States District Court for the Eastern District of  
24 California, and no objections having been filed within three days following the sale,

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the First Preferred  
26 Ship Mortgage in favor of Plaintiff PNC BANK, N.A., a National Association, as  
27 successor in interest to National City Bank, against Defendant vessel B&B DREAMIN', a

1 2005 Commodore Regal recreational vessel, Hull No. GMKD283C505, its engines.  
2 machinery, appurtenances, etc. *in rem*. (Exhibit 2 to the Complaint on file herein, ECF 1).  
3 be and hereby is foreclosed, thereby foreclosing out all other liens, claims and interests  
4 subordinate thereto.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the  
6 Court forthwith issue payment from the sum deposited by the United States Marshal as to  
7 the sale of the Vessel, in the sum of \$41,000.00, and that such sum, payable to PNC Bank,  
8 N.A., be transmitted to Plaintiff's counsel of record herein as follows:

9 William J. Sexton  
10 **HEMAR, ROUSSO & HEALD, LLP**  
11 15910 Ventura Boulevard  
12 12th Floor  
13 Encino, California 91436  
14 (818) 501-3800 phone

15 DATED: December 14, 2016

16 By:



UNITED STATES DISTRICT JUDGE