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LEGAL NOTICE

NOTICE OF SALE OF CERTAIN APPURTENANCES OF SS INDEPENDENCE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No.: CV07-6162 BZ
Plaintiff,)	AT LAW AND IN ADMIRALTY
v.)	
Tackle, apparel, furnishings, spares, tools,)	(PROPOSED)
equipment and certain other appurtenances of)	<u>NOTICE OF SALE</u>
the SS INDEPENDENCE (O.N. 261147),)	
<u>in rem</u> ,)	
Defendant.)	

PLEASE TAKE NOTICE that tackle, apparel, furnishings, spares, tools, equipment and certain other appurtenances of the SS INDEPENDENCE (Official Number 261147), in rem (“the Vessel Appurtenances”), will be offered for sale.

**DESCRIPTION NOT GUARANTEED -- APPURTENANCES SOLD
"AS IS, WHERE IS," FREE AND CLEAR OF ALL CLAIMS, LIENS,
MARITIME LIENS AND ENCUMBRANCES OF ANY KIND**

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order for Interlocutory Sale of the aforementioned defendant Vessel Appurtenances, will be sold by the United States Marshal in the Plaza at the main entrance to the United States Courthouse, 450 Golden Gate Avenue, San Francisco, California 95814, on Tuesday, March 24, 2009, commencing at 10:00 a.m., to the best

1 and highest bidder who must be, in any event, a person or entity eligible to bid on such items.

2 The minimum opening bid shall be no less than \$10,000.00. Following the opening bid, bid-
3 ding increments thereafter shall be in the amount of \$1,000.00 or more. Said bidder is to deposit
4 immediately with the Court ten per cent (10%) of the purchase price in cash, U. S. currency, or
5 cashier's check, which sum will be forfeited unless the balance of the price for the defendant Vessel
6 appurtenances is paid within three (3) days after the completion of the auction, excluding Saturdays,
7 Sundays, and legal holidays, provided, however, that the United States of America, holder of
8 preferred ship mortgage interests on said Vessel Appurtenances, shall be entitled to bid all or part
9 of its mortgage interests at said sale without being required to deliver earnest money to the Marshal.

10 Confirmation of the sale shall automatically occur without hearing or order of the Court if
11 no written objections have been filed with said Court within a period of three days following sale
12 of the defendant Vessel Appurtenances, Saturdays, Sundays and legal holidays excluded. If any
13 objections are made, they must be in accordance with all local rules of court, as well as the foregoing
14 Order for Interlocutory Sale, and must, in any event, be made in writing within the time so stated
15 above. Any objecting party shall, concurrently with the time of filing the objection, serve copies
16 via facsimile, hand delivery or overnight mail of the said objection to all known and interested
17 parties, said parties to include the Marshal, the Substitute Custodian, the highest bidder, and all
18 parties, including the United States of America, the latter by and through its attorney, Jeanne M.
19 Franken, Trial Attorney, Torts Branch, Civil Division, U.S. Department of Justice, 7th Floor, Room
20 7-5395, Federal Bldg., Box 36028, San Francisco, CA 94102, Telephone: (415) 436-6644, Fax:
21 (415) 436-6632.

22 The defendant Vessel Appurtenances may be inspected upon reasonable notice during
23 specified weekday business hours and by prior arrangement with the permission of the Substitute
24 Custodian, U.S. Department of Transportation, Maritime Administration ("MARAD"), in Alameda
25 and San Francisco, which may be contacted through its representative, Hank Ryan at (415)
26 415-744-2577. Said persons wishing to inspect the defendant Vessel Appurtenances shall do so
27 solely at their own risk and must sign a hold harmless agreement in favor of the Marshal and

1 Substitute Custodian before doing so. Interested persons are referred to the previously mentioned
2 Order for Interlocutory Sale for specific and additional information concerning the defendant Vessel
3 Appurtenances and the terms of sale, and to the foregoing attorneys for the United States.

4 Anyone bidding without the ability to meet the requirements of the Order for Interlocutory
5 Sale or who disrupts the sale will be subject to appropriate sanctions by the Court.

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8 United States Marshal for the
Eastern District of California

9 PRESENTED BY:

10 Dated: December 4, 2008

GREGORY G. KATSAS
Acting Assistant Attorney General
JOSEPH P. RUSSONIELLO
United States Attorney
R. MICHAEL UNDERHILL
Attorney in Charge
West Coast Office

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15 /s/ Jeanne M. Franken
JEANNE M. FRANKEN
Trial Attorney
U.S. Department of Justice
Torts Branch, Civil Division

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18 Of Counsel:
PATRICIA E. BYRNE
Attorney Adviser
Office of Chief Counsel
Maritime Administration
U.S. Department of Transportation

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21 Attorneys for Plaintiff
United States of America