

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-60542-CV-COHN

GULF COAST BANK AND TRUST COMPANY,

Magistrate Judge Seltzer

Plaintiff,

vs.

THE CARRIBBEAN SPARKLE, *in rem*, ADME
EQUIPMENT LEASING, LLC and EARL E. WEBER, JR.,
in personam,Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR INTERLOCUTORY SALE OF VESSEL

THIS CAUSE is before the Court upon Plaintiff Gulf Coast Bank and Trust Company's Motion for Interlocutory Sale of Vessel [DE 12/16]. The Court has carefully considered the motion and is otherwise fully advised in the premises, including the lack of any timely opposition by the response deadline of June 15, 2009.

Plaintiff seeks this Court to authorize a pre-judgment interlocutory sale of the vessel, following entry of a clerk's default against the owner of the vessel. Plaintiff asserts under Supplemental Rule E(9)(a)(i) of the Supplemental Rules for Admiralty or Maritime Claims that both the expenses of keeping the vessel are excessive and that the vessel's value is deteriorating by being detained in custody. The amount of Plaintiff's mortgage is \$1,500,000, plus accrued fees and expenses, while the value of the vessel is now below that amount. See Affidavit of Lon McCloskey, Exhibit A to Motion [DE 12]. The monthly expenses are \$10,000.

Based primarily upon the lack of response to the present motion, the Court grants the motion by default.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff Gulf Coast Bank and Trust Company's Motion for Interlocutory Sale of Vessel [DE 12/16] is hereby **GRANTED**;
2. The Marshal's Service shall conduct a sale of the vessel in accordance with all applicable Local Rules;
3. Plaintiff shall serve a copy of this Order by mail upon Defendants.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 16th day of June, 2009.



JAMES I. COHN
United States District Judge

Copies furnished to:

Gary Rosen, Esq./Kathy Rentas, Esq.

U.S. Marshal's Service