

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SKIPPER BUD'S OF CHICAGO, INC.,	)	
	)	
Plaintiff,	)	No. 08 C 4207
v.	)	
	)	Judge Robert W. Gettleman
WILLIAM V. DIEDRICK and NANCY M.	)	
DIEDRICK,	)	
	)	
Defendants.	)	

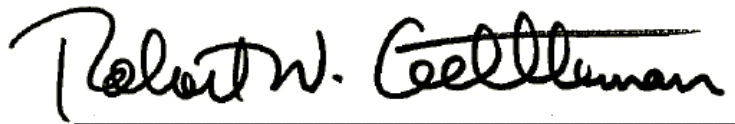
**ORDER**

Plaintiff Skipper Bud's of Chicago, Inc. has brought a complaint against defendants William and Nancy Diedrick pursuant to 46 U.S.C. § 3125(b)(2), to enforce a claim for outstanding indebtedness secured by a ship mortgage. Defendants answered the complaint and raised several affirmative defenses. Plaintiff has now filed a motion for summary judgment, properly supported by an L.R. 56.1 Statement of Material Facts not in Dispute. Defendants were ordered to respond to the motion by January 26, 2009. They have failed to do so.

The undisputed facts demonstrate that defendants purchased the vessel from plaintiff, executed a Promissory Note in favor of plaintiff in the principle sum of \$2,246,281.64 at an interest rate of 6.94% per annum, with a loan date of July 29, 2006, and a maturity date of July 29, 2008. The total amount financed, including interest, totaled \$2,545,281.64 payable in 23 consecutive monthly installment payments of \$13,000 with a balloon payment of \$2,246,281.64 due on July 28, 2008. Defendants gave a preferred ship mortgage of the vessel dated July 28, 2006, as security. Defendants made monthly payments of \$13,000 through October 29, 2007, but have made no payments since.

On January 21, 2008, defendants signed a brokerage agreement seeking to have plaintiff sell the vessel on their behalf. An amendment to that agreement provided that the vessel be sold for \$1,499,000 or any reasonable price offered based on the prevailing market condition. The vessel was eventually sold via trade and cash for a gross credit of \$1,373,000 toward the debt, leaving the balance due and owing of \$1,197,141.01 plus costs, fees and expenses. Defendants have made no further payments. Accordingly, plaintiff's motion for summary judgment is granted. Plaintiff is directed to prepare a judgment order detailing the amounts due including interest, costs and fees, and to present it to the court on February 26, 2009, at 9:00 a.m.

**ENTER: February 19, 2009**

A handwritten signature in black ink that reads "Robert W. Gettleman". The signature is written in a cursive, flowing style with a prominent horizontal line across the top of the letters.

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**Robert W. Gettleman**  
**United States District Judge**