

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

MIKE'S, INC.,

Plaintiff,

v.

Vessel WHITE STAR ONE, et al.

Defendants.

Case No. 13-cv-232-DRH-DGW

ORDER CONFIRMING SALE OF VESSEL

HERNDON, Chief Judge:

On motion of Plaintiff Mike's, Inc to confirm the U.S. Marshal's sale of the defendant WHITE STAR ONE vessel, it is hereby **ORDERED, ADJUDGED** and **DECREED**, as follows:

1. The sale of the Defendant vessel WHITE STAR ONE, her engines, anchors, cables, chains, rigging, tackle, apparel, furniture, and all necessities thereto (hereafter "vessel") was duly conducted in accordance with the Court's Order for Sale by the United States Marshall for the Southern District of Illinois on April 4, 2014 at 1 p.m. at the premises of Mike's, Inc., the Court-appointed substitute custodian for the vessel.
2. The sale was properly noticed and reasonably advertised.
3. Gerald Smallwood presented a bid of \$600,000, and was the highest bidder at the auction. There is no evidence before the Court that the purchase price of \$600,000 was grossly inadequate or the result of the

collusion or fraud. To the contrary, the Court concludes that the purchase price was reasonable under the circumstances.


4. The sale of the vessel WHITE STAR ONE to Gerald Smallwood (“buyer”) pursuant to the Court’s Order of Sale (Doc. 65) is hereby confirmed, subject to and expressly conditioned upon buyer paying by Cashier’s or Certified Check, the remaining balance of five hundred thousand dollars, (\$500,000.00), within **seven days** of entry of this Order. The Buyer deposited \$100,000 of the total purchase price of \$600,000 at the conclusion of the sale. Upon receipt of the remaining balance of the purchase price, the Marshal is herewith instructed to prepare and deliver to buyer, or a nominee designated in writing, a Bill of Sale conveying title to such vessel to buyer, or such nominee, free and clear of any and all liens and encumbrances.
5. Upon payment of the remaining sale balance by buyer, the Marshal and the court- appointed substitute custodian are hereby relieved of any and all duties previously imposed by Order of this Court with respect to the vessel, and are ordered to turn over the custody and control of the Vessel forthwith to the buyer

6. Any and all claims against the funds realized from the sale of the vessel must be filed in written form to the Court no later than **May 12, 2014**, or be forever barred.

IT IS SO ORDERED.

Signed this 9th day of April, 2014.

Digitally signed
by David R.
Herndon
Date: 2014.04.09
10:40:45 -05'00'

A digital signature in blue ink, reading "David R. Herndon", is written over a circular seal of the U.S. District Court for the Southern District of New York. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The words "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK" are inscribed around the perimeter.

**Chief Judge
U.S. District Court**