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THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

ALASKA GROWTH CAPITAL BIDCO, INC.,
an Alaska corporation,

Plaintiff,

v.

AKUTAN, Official Number 288598, its engines,
tackle, rigging, equipment, and other
appurtenances, etc., *In Rem*;

and

KLAWOCK OCEANSIDE, INCORPORATED,
a Washington Corporation, LAURENCE E.
LANG, an individual, CARSON V. LANG, an
individual, and MARY L. LANG, an individual,
In Personam,

Defendants.

IN ADMIRALTY

Case No.: C17-734 RSM

ORDER APPOINTING
SUBSTITUTE CUSTODIAN, AND
FOR BOARDING AND
INSPECTION

Alaska Growth Capital BIDCO, Inc., by and through its attorney, Holmes
Weddle, & Barcott, PC, having appeared, now makes the following recitals:

1. On May 10, 2017, a complaint herein was filed praying that the Defendant
vessel AKUTAN, Official Number 288598, its engines, tackle, rigging, equipment, and
other appurtenances, etc. (“Vessel”), be condemned and sold to pay Plaintiff’s claims and
for other property relief.

[PROPOSED] ORDER APPOINTING SUBSTITUE
CUSTODIAN - 1
Case No.

**HOLMES WEDDLE & BARCOTT, A
PROFESSIONAL CORPORATION**
999 THIRD AVENUE, SUITE 2600
SEATTLE, WA 98104-4011
TELEPHONE (206) 292-8008
FAX (206) 340-0289

1. 2. In the immediate future, the Clerk of this Court is expected to issue a
2. warrant for arrest of the Vessel, commanding the United States Marshal for this District
3. to arrest and take into custody the Vessel and to detain the same in its custody until
4. further order of this Court respecting same.

5. 3. It is contemplated that the United States Marshal will seize the Vessel
6. forthwith. Custody by the United States Marshal requires the services of one or more
7. keepers at charges substantially in excess of those to be made by the substitute custodian
8. alone, not including charges for moorage and the other services usually associated with
9. safekeeping vessels similar to the defendant Vessel.

10. 4. It is believed that the Vessel is currently located at Jacobsen's Marine in
11. Seattle, WA. Plaintiff is agreeable to allow Marine Lender Services, LLC, through its
12. Managing Member, Buck Fowler, to assume the responsibility of safekeeping the Vessel,
13. and act as its custodian until further order of this Court.

14. 5. Buck Fowler, Managing Member of Marine Lender Services, LLC, by
15. declaration submitted herewith and made a part hereof, avers that he can arrange for
16. supervision and proper safekeeping of the defendant Vessel as set forth in his declaration.
17. Further, in said declaration, substitute custodian accepts, in accordance with the terms of
18. this order, possession of the defendant Vessel, its engines, tackle, rigging, equipment, and
19. other appurtenances, etc., which is the subject of the action herein.

20. 6. In consideration of the United States Marshal's consent to the appointment
21. of Marine Lender Services, LLC, through Buck Fowler, as substitute custodian, Plaintiff
22. agrees to release the United States and the United State Marshal from any and all liability
23. and responsibility arising out of care and custody of the Vessel, from the time the United
24. State Marshal transfers possession of the Vessel over to said substitute custodian, and
25.

1. Plaintiff further agrees to hold harmless and indemnify the United States and the United
2. State Marshal from any and all claims whatsoever arising out of the substitute custodians'
3. possession and safekeeping.

4. THEREFORE, IT IS ORDERED that the United States Marshal for the Western
5. District of Washington is authorized, upon seizure of the Vessel, pursuant to Warrant for
6. Arrest, to surrender the possession thereof to Mr. Fowler as substitute custodian named
7. herein, and that upon such surrender the United States Marshal shall be discharged from
8. the duties and responsibilities for the safekeeping of the Vessel and held harmless from
9. any and all claims whatsoever arising out of said custodial services.

10. IT IS FURTHER ORDERED that Marine Lender Services, LLC, through its
11. Managing Member, Buck Fowler, is appointed custodian of the Vessel and shall retain
12. the Vessel in its custody for possession and safekeeping until further order of the Court.
13. All costs for such safekeeping shall be paid by Plaintiff, and may, upon further order of
14. this Court, be deemed administrative costs herein.

15. IT IS FURTHER ORDERED that the substitute custodian may, upon notice to the
16. Court, move the defendant vessel for security, cost, or other reasons such as the custodian
17. may deem necessary.

18. IT IS FURTHER ORDERED that the substitute custodian may permit boarding
19. and inspection of the Vessel by marine surveyors, Plaintiff, and prospective purchasers in
20. order to protect and preserve the Vessel and to determine the Vessel's condition and
21. value. All costs of such boardings and inspections shall be paid by Plaintiff and may,
22. upon further order of this Court, be deemed administrative costs herein. All persons
23. entering on board the Vessel shall execute a waiver and release in the form attached
24. hereto.

1. IT IS FURTHER ORDERED that Plaintiff's attorney serve a copy of this order
2. on the owner of the Vessel.

3. It is further requested that the Clerk of this Court deliver three certified copies of
4. this order to the United States Marshal forthwith.

5.
6. DATED this 12th day of May 2017.

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9. RICARDO S. MARTINEZ
10. CHIEF UNITED STATES DISTRICT
11. JUDGE

12.
13.
14. Presented By:

15. HOLMES WEDDLE & BARCOTT, P.C.

16. s/ John E. Casperson

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