

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BANK OF AMERICA, N.A,

Plaintiff,

v.

BLACK HAWK, Official No. 515015, its
Engines, Machinery, Appurtenances, etc.;
In Rem;

and

SOUND FREIGHT LINES, INC., a
Washington corporation; and KAY L.
WASHBURN and DANIEL L.
WASHBURN, individually and the marital
community composed thereof;
In Personam,

Defendants.

IN ADMIRALTY

Case No. 3:10-cv-05427 RBL

ORDER GRANTING MOTION FOR
ORDER OF DEFAULT JUDGMENT IN
REM AGAINST BLACK HAWK AND IN
PERSONAM AGAINST SOUND
FREIGHT LINES, INC., KAY L.
WASHBURN AND DANIEL L.
WASHBURN, AWARD OF
ATTORNEYS' FEES AND COSTS, FOR
ORDER OF SALE, AND FOR CREDIT
BID AUTHORITY

THIS MATTER, having come before the Court upon the Plaintiff's motion for (1)
a default judgment *in rem* against BLACK HAWK, Official No. 515015; (2) a default
judgment *in personam* against Sound Freight Lines, Inc.; (3) a default judgment *in*
personam against Kay L. Washburn; (4) a default judgment *in personam* against Daniel
L. Washburn; (5) award of legal fees, costs and *in custodia legis* expense; (6) an order for

1. sale of the defendant vessel; (7) for credit bid authority; and (8) for satisfaction of all
2. liens and encumbrances out of the proceeds of the sale.

3. After due consideration, the Court having reviewed the records and files herein
4. and the Declaration of John E. Casperson, and being otherwise advised in the premises, it
5. is hereby:
6.

7. ORDERED that the Preferred Ship Mortgages of Bank of America on the
8. BLACK HAWK, Official No. 515015, its engines, machinery, and appurtenances, etc., is
9. hereby foreclosed; and it is further

10. ORDERED that Bank of America shall have judgment jointly and severally
11. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
12. individually and against the marital community, and against the BLACK HAWK,
13. Official No. 515015, its engines, machinery, appurtenances, etc., based on the August
14. 2008 Note the amount of \$2,585,506.50, plus interest thereon through May 10, 2010 in
15. the amount of \$56,252.12, plus per diem interest in the amount of at \$181.53 per diem
16. from May 10, 2010 through November 8, 2010, plus a late fee of \$7,615.43, for a total
17. principal and interest of \$2,682,412.51; and it is further
18.

19. ORDERED that Bank of America shall have judgment jointly and severally
20. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
21. individually and against the marital community, and against the BLACK HAWK,
22. Official No. 515015, its engines, machinery, appurtenances, etc., based on the July 2001
23. Note the amount of \$570,160.96, plus interest thereon through May 10, 2010 in the
24. amount of \$1,046.18, plus per diem interest in the amount of at \$116.80 per diem from
25.
26.

1. May 10, 2010 through November 8, 2010, for a total principal and interest of
2. \$592,464.74; and it is further

3. ORDERED that Bank of America shall have judgment jointly and severally
4. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
5. individually and against the marital community, and against the BLACK HAWK,
6. Official No. 515015, its engines, machinery, appurtenances, etc., based on the February
7. 2005 Note the amount of \$200,000.00, plus interest thereon through May 10, 2010 in the
8. amount of \$187.50, plus per diem interest in the amount of at \$20.83 per diem from May
9. 10, 2010 through November 8, 2010, plus late fees of \$8,000.00 for a total principal and
10. interest of \$211,978.56; and it is further ordered

11. ORDERED that Bank of America shall have judgment jointly and severally
12. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
13. individually and against the marital community, and against the BLACK HAWK,
14. Official No. 515015, its engines, machinery, appurtenances, etc., based on the ISDA
15. Confirmation and Guaranty the amount of \$202,000, plus per diem interest in the amount
16. of \$37.63 per diem from May 10, 2010 through November 8, 2010, for a total principal
17. and interest of \$208,848.66; and it is further

18. ORDERED that Bank of America shall have judgment jointly and severally
19. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
20. individually and against the marital community, and against the BLACK HAWK,
21. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of

1. \$25,022.75 representing costs *in custodia legis* to arrest and keep the BLACK HAWK
2. since the time of arrest through the present, and it is further

3. ORDERED that Bank of America shall have judgment jointly and severally
4. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
5. individually and against the marital community, and against the BLACK HAWK,
6. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of
7. \$13,707.09, representing attorneys' fees and costs for attorneys' fees and expenses
8. incurred in the enforcement of the Preferred Ship Mortgages; and it is further
9.

10. ORDERED that Bank of America shall have a total judgment jointly and
11. severally against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,
12. individually and against the marital community, and against the BLACK HAWK,
13. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of
14. \$3,734,434.31, plus per diem interest of \$356.79 from November 8, 2010; and it is
15. further
16.

17. ORDERED that the United States Marshal shall, pursuant to Supplemental
18. Admiralty Rule E(9) and to Local Admiralty Rules 145, 150, and 155 and cause the
19. BLACK HAWK, Official No. 515015, its engines, machinery, appurtenances, etc., to be
20. sold, free of all liens and encumbrances on the date and time hereafter arranged and
21. agreed to by plaintiff and the U.S. Marshal; and it is further
22.

23. ORDERED that at the sale by the U.S. Marshal of the BLACK HAWK, Bank of
24. America shall be permitted to bid all or part of its judgments hereunder without cash
25. deposit, plus accrued interest and accrued costs *in custodia legis*.
26.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.
24.
25.
26.

DATED this 10th day of November, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented By:

HOLMES WEDDLE & BARCOTT

s/ John E. Casperson
John E. Casperson
999 Third Avenue, Suite 2600
Seattle, Washington 98104
Telephone: (206) 292-8008
Facsimile: (206) 340-0289
Email: jcasperson@hwb-law.com
Attorney for Plaintiff

G:\2033\25156\Pleading\Order.Default Judgment.doc