

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  
27  
28

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

TWINSTAR CREDIT UNION, a  
Washington corporation,  
  
Plaintiff,

IN ADMIRALTY  
NO. C11-5142 BHS

v.

MISS NICKLE, Official Number 526859,  
her engines, tackle, apparel, furniture and  
appurtenances, In Rem; and MICHAEL  
SANDERSON, In Personam

JUDGMENT *IN REM* FORECLOSING  
PREFERRED MARINE MORTGAGE AND  
ORDER OF SALE  
  
[PROPOSED]

THIS MATTER having come on regularly upon the motion of plaintiff, and the Court, having considered the records and files herein and the affidavit of counsel submitted with the motion, and an Order of Default having been entered, now makes the following findings:

1. Plaintiff is entitled to Judgment In Rem Foreclosing Preferred Marine Mortgage and Order of Sale against defendant vessel, no answer or statement of right or interest having been filed; and

2. Plaintiff's claim under its preferred marine mortgage is superior to that of any other claimant.

NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the preferred marine mortgage on the Miss Nickle, Official Number 526859, her engines, tackle, apparel, furniture and equipment, in favor of TwinStar Credit Union, is foreclosed; and

JUDGMENT *IN REM*  
FORECLOSING PREFERRED MARINE - 1.

VIGHUIXV ORQHUJDQ ) PDUWIO/OOS  
DWWRUQH\VDWODZ  
833 XQIRQ VWUHHW  
VX IWH ; 7 :  
VHDWQH/ZDVKIQJWRQ < ; 434  
+539,95705;33  
ID [ +539,95705;38

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that TwinStar Credit  
2 Union shall have judgment against Miss Nickle, Official Number 526859, her engines,  
3 tackle, apparel, furniture and equipment *In Rem* for \$376,815.46, plus interest at the rate  
4 of 8.5% per year from February 18, 2011 through the date of entry of this judgment, plus  
5 attorneys' fees and costs and administrative expenses as subsequently approved by the  
6 Court; and

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment  
8 granted shall bear interest at the federal rate from the date of granting of this judgment until  
9 paid; and

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the U.S. Marshal  
11 shall, pursuant to the rules of the United States District Court for the Western District of  
12 Washington, cause the Miss Nickle, Official Number 526859, her engines, tackle, apparel,  
13 furniture and equipment, to be condemned and sold at public auction to the highest and  
14 best bidder, the sale to be held alongside the vessel on a date and at a time satisfactory  
15 to the U.S. Marshal to be determined after entry of this Order; and

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that at such sale,  
17 TwinStar Credit Union, plaintiff, is authorized to bid in any part of the judgment and accrued  
18 interest here awarded without cash deposit, and that, in the event the bid of TwinStar Credit  
19 Union, plaintiff, is the highest and best bid, the amount of such bid shall be credited on the  
20 judgment here awarded; and

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the U.S. Marshal  
22 shall deposit the proceeds of the sale, if any, in the Registry of the Court and the Clerk  
23 shall, after having paid all costs and administrative expenses as approved by subsequent  
24 Order, pay to TwinStar Credit Union, plaintiff, so much of the balance remaining as is  
25 necessary to satisfy the judgment here awarded, and the clerk shall retain the remainder  
26 of the proceeds, if any, in the Registry of the Court subject to further Order.

27 DATED this 19th day of October, 2011.



BENJAMIN H. SETTLE  
United States District Judge

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  
27  
28

Presented by:

---

Brian C. Read, of  
SIDERIUS, LONERGAN & MARTIN, LLP  
Attorneys for Plaintiff  
WSBA #34091

Approved as to form; Notice of presentation waived:

---

David C. Smith, of  
LAW OFFICES OF DAVID SMITH, PLLC  
Attorney for Defendants  
WSBA #29824

Approved by:

---

for U.S. Marshal  
Western District of Washington

JUDGMENT *IN REM*  
FORECLOSING PREFERRED MARINE - 3.

VIGHUIXV ORQHJJDQ ) PDUWIQ/OOS  
DWWRUQH\VDWODZ  
833 XQIRQ VWUHHW  
VX IWH ; 7 :  
VHDWQH/ZDVKIQJWRQ < ; 434  
+539,95705;33  
ID [ +539,95705;38