

United States District Court
Eastern District of Louisiana

Capital Bank, N.A. v. Barge MOP 142 (O/N 539857) her engines, tackle, appurtenances, equipment, apparel, furniture, etc.
Civil Action No. 2:14-cv-1323

Notice of U.S. Marshal's Sale

The Court by Order and Reasons filed September 15, 2014 (R. Doc. 16) ordered and directed the U.S. Marshal to sell the vessel BARGE MOP 142 (Official No. 539857), its engines, tackle and appurtenances, etc., in rem at public auction to the highest bidder, on the following terms and conditions:

1. Auction date. The auction will be held on Thursday, October 2, 2014, beginning at 10:00 a.m. local time in the lobby of the U.S. District Court, 500 Poydras Street, New Orleans, LA 70130.
2. The auction is being advertised by this public notice according to the Court's Local Admiralty Rules 64.5 and 64.6.
3. The auction will be conducted according to the Court's Orders and Local Admiralty Rule 64.6, each of which is incorporated by reference into this notice. Copies of the Orders and the Local Admiralty Rules are available from the Clerk of Court's office (www.laed.uscourts.gov).
4. The vessel will be sold "as is, where is," and free and clear of all liens, encumbrances, and pre-existing claims on the vessel, whether recorded or otherwise. The vessel is a 140' x 39' x 8.6', inland spud barge with a raked bow and stern.
5. The vessel presently lies afloat dockside at 539 Tidewater Road, Venice, Louisiana 70091. Anyone wishing to inspect the vessel must first present himself or herself, along with photo identification, to the office of the U.S. Marshals Service (TL: 504-589-3174; www.usmarshals.gov/district/la-e/) and contact the representative of the custodian.
6. The last and highest bidder to whom the vessel is adjudicated must deposit with the Marshal a minimum of 10% of the bid, in cash or certified check, or cashier's check on a local bank. The balance, if any, of the purchase price must be paid in cash or by certified or cashier's check on a local bank on or before confirmation of the sale by the Court and within 14 days of the adjudication or dismissal of any opposition which may have been filed. The proceeds of the sale will remain in the Registry of the Court in an interest-bearing account pending further order of the Court. In the event of default by the highest bidder in consummating the purchase, the deposit will be forfeited and placed into the Registry of the Court pending further Court Order.

7. Further details concerning the sale, including credit-bid provisions in favor of lender, Capital Bank, N.A., are contained in the Court's Order and Reasons filed September 15, 2014 (R. Doc. 16). The terms of the Order and Reasons are incorporated by reference into this advertisement, and supersede any contrary terms in this advertisement.

Plaintiff, Capital Bank, N.A., is represented by Edward H. Arnold, III of the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 201 St. Charles Avenue, Suite 3600, New Orleans, Louisiana, 70170; TL: 504-566-5200; FX: 504-636-3904.