

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE  
PORTLAND DIVISION  
IN ADMIRALTY

THOMAS B. FEDERLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action 2:13-cv-00437-JAW
	)	
SCHOONER NATHANIEL BOWDITCH	)	
(O.N. 222228),	)	
her engines, boilers, tackle,	)	
appurtenances, electronics, etc., <i>in rem</i> , and	)	
SCHOONER NATHANIEL BOWDITCH, LLC,	)	
SCHOONER NATHANIEL BOWDITCH, INC.,	)	
and OWEN DORR and CATHLEEN DORR,	)	
<i>in personam</i> ,	)	
	)	
	)	
Defendants	)	
	)	
	)	(NON-JURY)

**CONSENT ORDER FOR AUTHORIZATION OF PUBLICATION AND  
JUDICIAL SALE OF DEFENDANT VESSEL**

UPON the joint motion of Plaintiff and Defendants styled Joint Motion to Authorize Publication of Arrest and Sale and for Judicial Sale, with supporting papers, and the Court finding that the conditions for Notice and Judicial Sale pursuant to Rule C, Fed.R.Civ.P., Supplemental Rules for Certain Admiralty and Maritime Claims appear to exist, it is hereby

**ORDERED** that:

- UPON JOINT MOTION of Plaintiff Thomas B. Federle and Defendants Schooner Nathaniel Bowditch (O.N. 222228), Owen Dorr, Cathleen Dorr,

Schooner Nathaniel Bowditch, Inc., Schooner Nathaniel Bowditch, LLC, that Defendant Vessel Nathaniel Bowditch, her engines, tackle, appurtenances, etc., be sold by judicial auction.

2. Since the Vessel was not released within fourteen (14) days after arrest, the Plaintiff shall promptly give public notice of the action and arrest of the Vessel by publication of attached Notice of Arrest and Sale once in the *Portland Press Herald*, a newspaper having general circulation within the District;
3. Any person who asserts a right of possession or any ownership interest in the Vessel must (a) file with the Court a verified statement of right or interest within fourteen (14) days after publication of this Order and (b) serve an answer upon the Plaintiff within twenty-one (21) days after filing said statement of right or interest;
4. Any other person who asserts a claim against the Vessel may file a motion to intervene in this action pursuant to Rule 24, Fed.R.Civ.P.; and
5. Plaintiff shall serve by first class, postage prepaid ordinary mail with proof of mailing copies of the complaint and this Order upon those persons and entities entitled to notice pursuant to 46 U.S.C. §31325 (d) as of the date of the arrest of the Vessel.
6. If, after 14 days of Notice, no person has asserted a right of interest, that the United States Marshal for this District shall sell Defendant Vessel Nathaniel Bowditch (O.N. 222228), her engines, tackle, appurtenances, etc., to the

highest bidder at public auction on Friday, February 14, 2014, at her berth, located at Sharp's Wharf, Camden, Maine.

7. The minimum acceptable bid shall be \$250,000.
8. Attorney for the Plaintiff, Twain Braden (telephone: 207-653-6462), shall make the vessel available for viewing and inspection prior to the sale by appointment and again on the day of the sale between the hours of 10:00am and 12:00pm.
9. Such sale shall be "as is, where is" and free and clear of all pre-existing mortgages, liens, encumbrances, and claims of every kind and nature whatsoever;
10. Defendant vessel shall be sold to the highest bidder, who shall deposit immediately after the sale at least ten (10%) percent of the minimum bid by certified or cashier's check drawn on a local bank; such deposit shall be nonrefundable and the balance of the bid shall be paid by certified or cashier's check drawn on a local bank on or before March 7, 2014; proceeds, if any, of said sale shall be deposited in the Registry of the Court pending further order of the Court.
11. At the close of the sale, the U.S. Marshal shall file with the Clerk a Marshal's Report of Sale; that the purchaser of Defendant vessel shall be a United States citizen as defined in the Shipping Act, 46 U.S.C. §§ 40101, et seq. (formerly 46 U.S.C. §§ 802 or 2101) (as amended) or shall obtain the consent of the United States Department of Transportation, Maritime Administration, for the purchase

of such vessel, and the purchaser shall bear all expenses of insurance, care, and custody of such vessel during the time required to obtain such consent.

12. Any interested party may object to the sale by filing written objection with the Clerk of this Court on or before, February 19, 2014, and by serving counsel for all parties with a copy of said written objection on or before February 20, 2014.

13. If no objection is so filed and so served, the Court shall issue its Order Confirming Sale.

14. Plaintiff shall be allowed to bid at the sale and shall be given credit on his bid up to the amount of his lien claims of \$375,000, plus *in custodia legis* expenses; and that any other person having a claim against said vessel or wishing to intervene in this action to share in the proceeds of said sale shall do so before the sale.

Dated: January 23, 2014.

/s/ John H. Rich III  
John H. Rich III  
United States Magistrate Judge