

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CATERPILLAR FINANCIAL  
SERVICES CORPORATION,

Plaintiff,

vs.

F/V JOHN ADAULPH, her engines,  
tackle, boilers, furniture, appurtenances,  
etc., in rem,

Defendant.

\*

\*

\*

\*

\*

\*

\*

CIVIL ACTION NO.  
CV-06-144-CG-B

IN REM

**JUDGMENT AND ORDER OF DISTRIBUTION**

Caterpillar Financial Services Corporation having moved for default judgment against the F/V JOHN ADAULPH in rem and, it appearing that the motion of Caterpillar Financial Services Corporation and the record of the Court show that (1) process was executed herein by the arrest of the defendant vessel F/V JOHN ADAULPH by the United States Marshals Service on March 17, 2006; (2) actual notice of the commencement of the suit was given to the person in charge of the vessel at the time of the arrest; (3) notice of the commencement of this action was thereafter published in the **Press Register**, a newspaper of general circulation, in accordance with the local rules of this Court; and (4) notice of the sale of the vessel was published in accordance with the decree ordering the sale of the vessel and the local rules of this Court. It further appearing that neither Toche Marine, the owner of the F/V JOHN ADAULPH before the sale herein, nor any other person has appeared for the purpose of claiming the defendant vessel, answering the

Complaint or filing an intervening complaint, and that the time for any such appearance, claim or answer has expired and that after reviewing the motion, the supporting affidavit and the record that the motion is due to be granted in all respects; now, therefore

It is hereby ORDERED, ADJUDGED and DECREED that the defendant vessel F/V JOHN ADAULPH and any and all persons who might have presented a claim, answer, or intervening complaint herein are in default; and

It further appearing that the vessel was sold for the sum of Eighty Thousand and No/100<sup>ths</sup> Dollars (\$80,000.00), that the vessel was properly served and that the owner has failed to file a claim herein and that the amounts claimed by Caterpillar Financial Services Corporation are due and owing to Caterpillar Financial Services Corporation; now, therefore,

It is further ORDERED, ADJUDGED and DECREED that judgment be and is herewith entered in favor of Caterpillar Financial Services Corporation and against the vessel F/V JOHN ADAULPH in rem in the sum of \$80,000.00 plus interest earned on this amount while held in the registry of the Court, if any. The Clerk of this Court is hereby directed to immediately disburse to Caterpillar Financial Services Corporation the proceeds of the sale of the F/V JOHN ADAULPH, which equals \$78,785.00 (\$80,000.00 less \$1,215.00 already ordered to be paid for U.S. Marshal expenses), along with interest earned on said proceeds, if any.

DONE and ORDERED this 2<sup>nd</sup> day of August, 2006.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE