

For insertion three (3) times, the first of which must be at least 10 days before October 1, 2009, and the third of which must be at least three (3) days before October 1, 2009, in The Times-Picayune, classified ads, legal notices section - Sale by U.S. Marshal.

NOTICE OF SALE OF VESSEL

**UNITED STATES DISTRICT
EASTERN DISTRICT OF LOUISIANA**

AOZORA BANK, LTD.

versus

**M/V YARMOUTH, her engines, tackle, appurtenances, etc., *in rem*, and
EASTLAKE MARINE, LTD., *in personam***

**CIVIL ACTION NO. 09-4380
JUDGE MARY ANN VIAL LEMMON, SECTION "S"(3)**

By virtue of an Order dated September 11, 2009, issued out of the above Court in the above entitled cause, NOTICE IS HEREBY GIVEN that the United States Marshal will sell the vessel YARMOUTH, Official Number 13036, together with her engines, bunkers, tackle, apparel, appurtenances, etc., free and clear of all liens, to the highest qualified bidder or bidders, without appraisal, commencing at 10:00 a.m. o'clock, local time, on October 1, 2009, at the entrance to the United States Courthouse, 500 Poydras Street, New Orleans, Louisiana. A bunker survey as of July 7, 2000 is available through the substitute custodian, subject to pending discussions all or part or none of the bunkers may be sold separately from the vessel of this same sale. Plaintiff does not warrant the accuracy of this bunker survey, or the present bunker OBQ. The successful highest bidder for said vessel and/or bunkers shall deposit with the United States Marshal for the Eastern District of Louisiana at the close of said sale ten (10%) percent of the purchase price by certified or cashier's check on a New Orleans bank or a national bank located within the jurisdiction of the Eastern District of Louisiana. The payment of the balance of the purchase price shall be made to the United States Marshal for the Eastern District of Louisiana by certified or cashier's check drawn on a New Orleans bank or a national bank located within the jurisdiction of this Court within ten (10) days of the consummation of the sale, or within such further time as may be allowed by the Court. In the event of default by the said bidder in consummating the purchase, the deposit will be forfeited and placed in the registry

of the United States District Court for the Eastern District of Louisiana pending further orders of that Court. NOTICE IS FURTHER GIVEN that the plaintiff has received leave of court to substitute its mortgage indebtedness up to the total amount of the mortgage indebtedness including costs, etc. in lieu of payment of any purchase price required in connection with these sales in the event that plaintiff is a successful bidder. NOTICE IS FURTHER GIVEN that any purchaser must be eligible to own a documented vessel of the United States as set forth in 46 U.S.C. §1202.

Interested parties may arrange to see the vessel by contacting the U.S. Marshal Marine Desk's Ms. Joanne Waite at 589-3174; joanne.waite.usdoj.gov or the substitute custodian Mr. Bill O'Dell of National Maritime Services, Inc. at 954-990-1058 (office) or 954-599-3340 (cell) or billo@vesselarrest.com. Please note all interested parties must go to the U.S. Marshal's office first to sign waivers before visiting the vessel. The vessel presently lies afloat at Grandview Anchorage, mile 147 AHP, Gramercy, Louisiana.

The attorneys for plaintiff, Aozora Bank, Ltd. are: Brian Wallace, Michael M. Butterworth and Clay V. Bland, Jr. of Phelps Dunbar LLP, Canal Place, 365 Canal Street, Suite 2000, New Orleans, Louisiana 70130-6534; wallacb@phelps.com.