

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE VESSEL JIRIBILLA,

Defendant *In Rem.*

Civil No. 21-1067 (FAB)

ORDER AUTHORIZING INTERLOCUTORY SALE

The United States of America moves this Court, pursuant to Supplemental Rule G(7)(b) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, 18 U.S.C. § 981(g)(6), and 28 U.S.C. §§ 2001(b), 2002, and 2004, for an order directing the United States Marshals Service (USMS) to execute an interlocutory sale of the Defendant *In Rem*: the Vessel Jiribilla, A 2007 Sunseeker 82-Foot Vessel, Hull Number XSK03586G607.

Based upon the United States' motion and for good cause shown, and pursuant to the provisions cited above, the Court finds that the interlocutory sale of the vessel Jiribilla is justified and necessary to preserve its value, pending the resolution of this action.

Accordingly, it is **ORDERED** that:

1. The United States' Motion for Interlocutory Sale of the vessel Jiribilla is **GRANTED**.

2. The vessel Jiribilla, A 2007 Sunseeker, 82-Foot Vessel; Hull Number XSK03586G607 shall be sold by the USMS.

3. Notice of the sale of the vessel Jiribilla shall be published once a week for at least four weeks prior to the sale in "El Nuevo Día," a newspaper regularly issued and of general circulation in Puerto Rico.

4. 28 U.S.C. §§ 2001(b), 2002, and 2004 set forth no required terms and conditions of the sale. It is in the best interest of the parties, however, to include some terms and conditions so that the vessel cannot be sold at less than its fair market value.

5. The USMS shall obtain an appraisal of the vessel Jiribilla to determine its fair market value.

6. The terms and conditions of the sale shall be as follows:

a. The sale shall be for cash or a certified or manager's check.

b. The vessel Jiribilla shall be sold individually, free and clear of all rights, titles, claims, liens, and interest of any and all persons or parties whatsoever existing in the vessel Jiribilla.

c. The price of sale shall be the fair market value determined by the appraisal.

d. At the time of the closing of the sale of the vessel Jiribilla, the USMS shall pay the principal and interest amount due on all liens to the lienholders. If the net proceeds of the sale are insufficient to pay the amounts due, this Order shall not affect any right that any lienholder may have to seek a deficiency judgment against the vessel Jiribilla and others. No deficiency resulting from a sale pursuant to this Order shall be a basis for action or recovery against the United States.

e. At the time of the closing of the sale of the vessel Jiribilla, the USMS shall deduct from the proceeds of the sale any closing costs and other selling expenses, all costs incurred by the United States relating to the custody and maintenance of the vessel Jiribilla from the time of seizure through the date of the sale, and the costs to obtain the appraisal of the vessel Jiribilla.

7. The net proceeds of the sale shall be deposited according to law by the USMS, and shall be substituted as the Defendant *In Rem* in this action.

IT IS SO ORDERED.

San Juan, Puerto Rico, October 22, 2021.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE