

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 25-60672-CIV-DAMIAN/Strauss

IN ADMIRALTY

HARBOUR TOWNE SMI OPCO, LLC,

Plaintiff,

v.

**M/Y “LADY CHER L C’s,” her engines,
machinery, tackle, apparel, boats, furniture,
equipment, rigging, freights, and all other
appurtenances, etc., *in rem*,**

Defendant.

_____ /

**RBC CENTURA BANK n/k/a RBC BANK
(GEORGIA), N.A.,**

Intervening Plaintiff,

v.

**M/Y “LADY CHER L C’s,” her engines,
machinery, tackle, apparel, boats, furniture,
equipment, rigging, freights, and all other
appurtenances, etc., *in rem*,**

Defendant.

_____ /

AMENDED ORDER AUTHORIZING SALE OF VESSEL

THIS CAUSE is before the Court on the Joint Status Report [ECF No. 77] and Supplemental Joint Status Report [ECF No. 79], filed by Plaintiff, Harbour Towne SMI OPEC, LLC’s (“Harbour Towne”).

THE COURT has reviewed the Status Reports and the pertinent portions of the record and is otherwise fully advised.

On January 16, 2026, this Court entered an Order on Harbour Towne's Motion for Interlocutory Sale that, *inter alia*, directed the U.S. Marshal to hold a judicial sale of the Defendant Vessel, M/Y "LADY CHER L C's," a 2005 55-foot Ocean Odyssey, motor yacht, with hull identification number XYU02057F405, her engines, machinery, tackle, apparel, boats, furniture, equipment, rigging, freights, and all other appurtenances, etc. *See* ECF No. 41.

On May 18, 2026, this Court entered an Order granting in part Harbour Towne's Renewed Motion for Final Default Judgment as to liability only and withheld entry of final judgment with respect to the damages sought. *See* ECF No. 60. Thereafter, Harbour Towne and Plaintiff-Intervenor, RBC Centura Bank n/k/a RBC Bank (Georgia), N.A. ("RBC Bank" or "Plaintiff-Intervenor"), came to an agreement as to their respective interests against the Defendant Vessel. *See* ECF Nos. 77 and 79.

On July 31, 2026, this Court entered an Order Approving the Stipulation for Entry of Final Judgment in Foreclosure in favor of Plaintiff-Intervenor, RBC Bank, or its successor or affiliate, against the Defendant Vessel in the amount of \$388,141.97 broken down as follows: (i) \$349,216.49 in principal; (ii) \$9,391.71 in accrued interest as of May 1, 2025, plus (iii) additional interest of \$29,533.77 calculated from May 1, 2025 to July 16, 2026 at \$66.97 per diem under the Note (as defined in the Stipulation). *See* ECF No. 80.

This Court notes that Harbour Towne and RBC Bank, the only parties who are actively litigating claims in this lawsuit, consent to the relief sought. *See* ECF Nos. 77 and 79. This Court has already found good cause under Supplemental Rule E(9)(a)(i) for an order authorizing a judicial sale of the Defendant Vessel and previously granted the Motion for Interlocutory Sale by separate order [ECF No. 41].

Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. Final Default Judgment is entered in favor of the Substitute Custodian, Harbour Towne SMI OPCO, LLC, against the Defendant Vessel in the amount of **\$132,562.22**, representing its Substitute Custodian Costs.
2. Final Default Judgment is entered in favor of Plaintiff, Harbour Towne SMI OPCO, LLC, against the Defendant Vessel in the amount of **\$52,759.06** for foreclosure of a Maritime Lien.
3. The United States Marshal is **DIRECTED** to sell the Defendant Vessel, M/Y “LADY CHER L C’s,” a 2005 55-foot Ocean Odyssey, motor yacht, with hull identification number XYU02057F405, including her engines, tackle, machinery, apparel, boats, furniture, equipment, rigging, freights, and all other appurtenances, pursuant to the Local Admiralty and Maritime Rules of this District. The Vessel shall be sold “as is, where is” and free and clear of all liens and encumbrances, to the highest bidder, said sale to be subject to the confirmation of the Court. The sale shall be scheduled by the U.S. Marshal for the Southern District of Florida within a reasonable number of days after the date of entry of this Order on a date selected by the U.S. Marshal and in compliance with the requirements of Local Rule E(16)(b), on the steps of the United States District Court, Southern District of Florida, Fort Lauderdale Division, U.S. Federal Building and Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301.
4. Harbour Towne, as the Substitute Custodian, may credit bid up to **\$132,562.22** at any sale of the Defendant Vessel, including the U.S. Marshal’s sale, and shall not be

required to pay any cash or other payments unless and until its successful bid exceeds the total of its judgment against the Vessel. The parties agree that Harbour Towne shall not combine the amount on its Maritime Lien with its Substitute Custodian Costs to create an aggregate credit bid.

5. The Plaintiff-Intervenor, RBC Bank, may credit bid up to **\$388,141.97**, representing its Secured Debt on the Ship Mortgage, at any sale of the Defendant Vessel, including the U.S. Marshal's sale, and shall not be required to pay any cash or other payments unless and until its successful bid exceeds the total of its judgment against the Vessel.
6. The Parties agree that the priority of claims are as follows: (1) Substitute Custodian Costs; (2) Plaintiff-Intervenor's Secured Debt on the Ship Mortgage; and (3) Plaintiff's Maritime Lien.
7. The U.S. Marshal is directed to prepare and shall publish the Notice of Sale of Vessel, in the usual form as used by the U.S. Marshal for vessel sales in this District and incorporating the provisions of this Order. *See* Local Admiralty Rule E(16)(1). The Notice of Sale shall state that the "sale is subject to the credit bids by those parties having liens" on the Defendant Vessel (or similar language typically used by the U.S. Marshal when auctions involve credit bids).
8. The Notice of Sale shall be published on at least two (2) different days, the first publication shall be at least fourteen (14) days prior to the date of the sale, and the second at least seven (7) days prior to the date of the sale. *See* Local Admiralty Rule E(16)(1). The cost of publication shall construe the first charge against the proceeds of any claim.

9. The U.S. Marshal or the Substitute Custodian appointed by the Court, at the request of any interested person, shall grant permission to said person or his or her representative to visit, board, inspect, examine, and survey the Vessel at its current location or at any other place to which it may be moved prior to the sale during the daylight hours of any day up to twenty-four (24) hours before the scheduled sale date, and provided that the same shall be done at the sole expense and risk of such interested person or his or her representative.
10. At the conclusion of the sale, the U.S. Marshal shall file a written report of the sale to include the date of the sale, the price obtained, and the name and address of the buyer. *See* Local Admiralty Rule E(17)(e).
11. Any and all proceeds received from any successful sale of the Vessel, including any deposit, balance of the bid price, forfeited deposit, cash component of any credit bid, or other sale proceeds received by the U.S. Marshal, shall be deposited into the registry of the Court and held pending further order of the Court determining the priority, distribution, and disposition of those proceeds, if deemed necessary.
12. Plaintiff must proceed to have the sale confirmed on the day following the last day for filing objections. *See* Local Admiralty Rule E(17)(f). In order to confirm the sale, Plaintiff's counsel must file a "Request for Confirmation of Sale" on the day following the last day for filing an objection. Plaintiff's counsel shall also prepare and file a proposed "Confirmation of Sale." *See* Admiralty and Maritime Forms available on the Court's website (www.flsd.uscourts.gov).
13. Upon the filing of the "Request for Confirmation of Sale" and "Confirmation of Sale," the Clerk is directed to file and docket the "Confirmation of Sale" and

transmit a certified copy of the "Confirmation of Sale" to the U.S. Marshal's Office so that the bill of sale may be issued.

14. After the Court has confirmed a sale pursuant to this Order, the U.S. Marshal shall deliver a bill of sale of the M/Y "LADY CHER L C's," a 2005 55-foot Ocean Odyssey, motor yacht, with hull identification number XYU02057F405, and the M/Y "LADY CHER L C's," shall be conveyed by the U.S. Marshal "as is, where is," free and clear of all liens and encumbrances.
15. All properly filed and perfected maritime liens and other interests permitted by law to be asserted *in rem* against the M/Y "LADY CHER L C's," shall attach to the net proceeds of the sale of the Vessel.
16. This Court reserves jurisdiction over the Parties and subject matter herein for the purpose of considering confirmation of the sale of the *in rem* Defendant.
17. Plaintiff is directed to serve a copy of this Order on the United States Marshal.

DONE AND ORDERED in Chambers in the Southern District of Florida, this 3rd day of August, 2026.


MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record