

1 Matthew C. Addison, Esq. (CSBN 158330)
2 McDONALD CARANO
3 100 W. Liberty Street, Tenth Floor
4 Reno, NV 89501
5 (775) 788-2000
6 maddison@mcdonaldcarano.com
7 Attorney for Plaintiff Cap One Inc.

8
9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 CAP ONE INC., a Nevada Corporation

IN ADMIRALTY

12 Plaintiff,

No. 2:19-cv-01911-TLN-CKD

13 v.

NOTICE OF FORECLOSURE SALE

14 MV SIERRA ROSE, Official Number
15 1177228, her engines, tackle, apparel,
16 furniture, equipment, and appurtenances,
17 *IN REM* and SIERRA ROSE LLC, a
18 Nevada Limited Liability Company, *IN*
19 *PERSONAM*,

20 Defendant.

21 Please take notice that on September 28, 2021, United States District Judge Troy L. Nunley
22 entered his Order Adopting the Findings and Recommendations of United States Magistrate Judge
23 Carolyn K. Delaney with regard to the entry of Default Judgment and Sale of the subject Vessel,
24 MV Sierra Rose, Official Number 11777228 (the "Vessel"), and Judgment thereon.

25 Pursuant to that Order and Judgment, the Vessel shall be sold in accordance with Local Rule
26 570, with the proceeds of the sale applied and delivered to pay all of the demands and claims of the
27 Plaintiff, and Plaintiff is permitted, but not required, to credit bid without a cash deposit up to the
28 extent of its Judgment at that sale.

Please take further notice that beginning on May 31, 2022 at 12:00 p.m. EDT and ending
on June 14, 2022 at 12:00 p.m. EDT, around the clock for that entire two (2) week window, an
online auction will be held by Apple Towing, Inc., on behalf of the Unites States Marshals Service,

1 to be conducted according to instructions posted at www.appleauctioneeringco.com. At such
2 online auction, all of the right, title and interest in the Vessel shall be offered for sale to the highest
3 bidder, subject to the Plaintiff's above-mentioned right to credit bid and all other provisions of this
4 Court's Order and Judgment.

5 Please take further notice that formal publication of this Notice of Foreclosure Sale shall be
6 made pursuant to Local Rules 570, 580 and 171, respectively, and an appropriate affidavit of
7 publication shall be separately filed with this Court reflecting same.

8 Finally, please take further notice that true and correct courtesy copies of the above-
9 mentioned Findings and Recommendations, Order Adopting Findings and Recommendations In
10 Full, and Judgment thereon are Documents 35, 36 and 37, respectively, of this Court's official file
11 and copies will be provided by the undersigned upon receipt of an e-mailed request for same.

12 Dated: May 2, 2022.

13 McDONALD CARANO LLP

14
15 By: /s/ Matthew C. Addison

16 Matthew C. Addison, Esq. (CSBN 158330)
17 100 W. Liberty Street, Tenth Floor
18 Reno, NV 89501
19 (775) 788-2000
20 maddison@mcdonaldcarano.com
21 *Attorneys for Plaintiff*
22 *Cap One Inc.*
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of McDonald Carano LLP and on the 2nd day of May, 2022, I caused a true and correct copy of the foregoing **NOTICE OF FORECLOSURE SALE**, to be deposited for mailing in the U.S. Mail, at Reno, Nevada, with postage prepaid, addressed to the following person:

U.S. Marshals Service
Attention: Armine Aloian
Purchasing Agent
Eastern District of California D97
2500 Tulare St., Ste. 3501
Fresno, CA 93721
Telephone: (916) 503.2638 and (916) 206.7432

/s/ Nancy A. Hoy
Nancy A. Hoy

4859-9864-4253, v. 1