

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>FORTIS BANK (Nederland) N.V.</b>	)	
<b>Plaintiff</b>	)	
<b>and</b>	)	
	)	
<b>MASSACHUSETTS PORT AUTHORITY, ET AL.</b>	)	
<b>Intervenor Plaintiffs</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 04-CV-147-GZS</b>
	)	
<b>M/V SHAMROCK and COPROPRIÉTÉ DU NAVIRE SHAMROCK,</b>	)	
<b>Defendants</b>	)	
<b>and</b>	)	
	)	
<b>COMATRANS, S.A., SP CONTAINER LINE SA and SNC SHAMROCK GESTION</b>	)	
<b>Parties-in-Interest</b>	)	
<b>and</b>	)	
	)	
<b>SPM LINE, INC. and CANSHIP UGLAND, LTD.</b>	)	
<b>Third-Party Defendants</b>	)	

**ORDER ON PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT**

Before the Court is Plaintiff Fortis Bank’s (“Fortis”) Motion for Default Judgment and Order Directing the Entry of Final Judgment (Docket # 335). Today, the Court has filed its Order on Motions for Summary Judgment. As explained in that Order, the Court has determined that Fortis’ preferred mortgage is the highest priority *in rem* claim that remains pending against the M/V Shamrock. As a result, it appears that Fortis is entitled to collect all of the remaining proceeds of the sale of the M/V Shamrock that are currently held in the registry of the Court, less any allowable fee deducted by the Clerk. (See D. Me. Local Rule 67 & March 10, 2005 Order (Docket # 316).) In light of the amount Fortis stands to collect on its *in rem* claim against the vessel, it would appear that any additional *in personam* judgment against the parties previously found in default (i.e., Copropriété de Navire Shamrock, SPM Line, Inc. Sp Container Line SA,

Comatrans SA and SNC Shamrock Gestion) should reflect the difference between the total amount owed to Fortis and the amount Fortis will collect on the *in rem* claim. See 46 U.S.C. § 31325(b)(2)(A).

The current record does not allow the Court to accurately tabulate the exact amount of this deficiency. Therefore, the Court hereby ORDERS that Fortis support its Motion for Default Judgment by filing an affidavit containing an up-to-date tabulation of the amount remaining due on Fortis' claims in light of the resolution of its *in rem* claims. This affidavit shall be filed on or before August 10, 2005. Upon receipt of this affidavit, the Court will rule on the remaining Motion for Default Judgment and direct the Clerk to enter a final judgment on all of Fortis' claims.

SO ORDERED.

/s/ George Z. Singal

Chief U.S. District Judge

Dated this 29th day of July 2005.

**FORTIS BANK  
(NEDERLAND) NV**

represented by **PETER S. PLUMB**  
MURRAY, PLUMB & MURRAY  
PO BOX 9785  
PORTLAND, ME 04101-5085  
773-5651  
**SARAH A. MCDANIEL**  
MURRAY, PLUMB & MURRAY  
PO BOX 9785  
PORTLAND, ME 04101-5085  
207-773-5651  
Fax: 207-773-8023  
**THOMAS C. NEWMAN**  
MURRAY, PLUMB & MURRAY  
PO BOX 9785  
PORTLAND, ME 04101-5085  
773-5651

**Intervenor Plaintiff**

**REPUBLIC OF**

represented by **CHRISTINE A. CIVITANO**

**FRANCE  
ESTABLISSEMENT  
NATIONAL DES  
INVALIDES DE LA  
MARINE**

WILSON, ELSER,  
MOSKOWITZ, EDELMAN &  
DECKER LLP  
150 EAST 42ND STREET  
NEW YORK, NY 10017  
212-490-3000  
**WILLIAM H. WELTE**  
WELTE & WELTE, P.A.  
13 WOOD STREET  
CAMDEN, ME 04843-2036  
207-236-7786

**COPROPRIETE DU  
NAVIRE SHAMROCK**

represented by **COPROPRIETE DU  
NAVIRE SHAMROCK**  
C/O JEAN-CLAUDE GOUR  
PRO SE

**COMATRANS S A**

represented by **COMATRANS S A**  
C/O PHILIPPE PATUREL  
MARGINAL ROAD  
P.O. BOX 31, CRO  
HALIFAX, NS B3J2L4  
CANADA  
PRO SE

**SP CONTAINER LINE  
SA**

represented by **SP CONTAINER LINE SA**  
C/O PHILIP PATUREL  
MARGINAL ROAD  
P.O. BOX 31, CRO  
HALIFAX, NS B3J2L4  
CANAD  
PRO SE

**SNC SHAMROCK  
GESTION**

represented by **SNC SHAMROCK GESTION**  
C/O PHILIP PATUREL  
MARGINAL ROAD  
P.O. BOX 31, CRO  
HALIFAX, NS B3J2L4  
CANADA  
PRO SE

**SPM LINE INC**

represented by **SPM LINE INC**  
C/O PHILIP PATUREL  
MARGINAL ROAD  
P.O. BOX 31, CRO  
HALIFAX, NS B3J2L4  
CANADA

**Custodian**

**NATIONAL MARITIME  
SERVICES INC**

represented by **MARK J. WINTER**  
DRUMMOND & DRUMMOND,  
LLP  
ONE MONUMENT WAY  
P. O. BOX 15216  
PORTLAND, ME 04101  
207-774-0317