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SOUTHERN DISTRICT

MARC E. SMITH and BARBARA HOULE,

In compliance with a Writ of Execution issued out of the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, on or about March 3, 2020, wherein Captain's Command at Bluebeard's Beach Club Owners' Association, Inc. ("Plaintiff" or "Captain's Command") is the Plaintiff and Marc E. Smith and Barbara Houle are the Defendants, Civil No. ST-2018-CV-00526, Action for Debt, Foreclosure of Lien and Breach of Contract, the undersigned Office of the Virgin Islands Marshal will sell at public sale to the highest and best bidder on the 8th day of September, 2021, at 10:00 o'clock a.m., at the Office of the Virgin Islands Marshal, Farrelly Justice Center, St. Thomas, U.S. Virgin Islands, the following real property:

Week Number 08 in Villa Unit Number 230 in Captain's Command at Bluebeard's Beach Club, an Interval Ownership Condominium (the "Condominium"), as initially described in the "Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, an Interval Ownership Condominium" dated October 13, 1997 and recorded at the Office of the Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands, on October 30, 1997 in Book 48-U, Page 187, Sub No. 1024, and noted in the Real Property Registers at Auxiliary 21(Q), Page 1, as amended and superseded by "Amended Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated March 30, 1998 in Book 49-O, Page 1, Sub No. 511, as further amended by "Amendment No. 2 to Declaration of Condominium of Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated September 29, 1999 and recorded at the Office of Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands on September 29, 1999 as Document No. 1999005572, as amended and superseded by "Second Restated and Amended Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated January 20, 2004 and recorded as instrument

No. 2004001105 at the Office of the Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands, as the same may have been or may hereafter be further amended (collectively, the "Declaration"), establishing the Condominium for the real property described as Parcels Nos. 100-A, 100-B, and 100-C together with easements "A" and "B" on Parcel 100-Rem. No. 4 Estate Frenchman's Bay Quarter, Charlotte Amalie, St. Thomas, U.S. Virgin Islands, as shown on P.W.D. Drawing No. D9-6322-T97, dated February 18, 1997 (Parcels 100-A and 100-B) and P.W.D. Drawing No. D9-6564-T99, dated March 22, 1999 (Parcel 100-C). If the aforesaid Week Number has a qualifier of "E", then ownership is every other even calendar year; if the aforesaid Week Number has a qualifier of "O" then ownership is every other odd calendar year; and if the aforesaid Week Number has no qualifier, then ownership is every calendar year;

consisting of a Studio Unit of 312 square feet located on the 2nd floor of the Captains Cabin Building, together with all appurtenances and improvements thereto.

This judicial sale will be conducted in accordance with the provisions of V.I. CODE ANN. tit. 5 § 471 *et. seq.* and the terms of sale, the full text of which can be reviewed at the Office of the Virgin Islands Marshal. The terms of purchase include: ten percent (10%) of the purchase price must be deposited with the Marshal no later than 3:00 p.m. on the day of sale, and, upon failure to do so, the Marshal reserves the right to award the sale to the next highest bidder. The balance of the sum bid must be paid within 30 days, or the deposit will be retained by the Marshal as and for liquidated damages and applied toward satisfaction of the Judgment for which the property is being sold, and the Marshal further reserves the right, in such event, to award the sale to the next highest bidder. All payments must be made by cash, certified check, bank check, or U.S. postal money order. Personal uncertified checks will not be accepted.

DATED: July 7, 2021

OFFICE OF THE VIRGIN ISLANDS MARSHAL

**LAWRENCE A. WALCOTT, JR.,
CHIEF MARSHAL**

By:

Andrew R. Ayala
**ANDREW R. AYALA,
ASSISTANT MARSHAL**

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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

CAPTAIN'S COMMAND AT BLUEBEARD'S BEACH CLUB OWNERS' ASSOCIATION, INC.)	Case No. ST – 2018 – CV – 00526
)	
Plaintiff,)	ACTION FOR DEBT
)	FORECLOSURE OF
vs.)	LIEN AND BREACH OF
)	CONTRACT
MARC E. SMITH and BARBARA HOULE,)	
)	
Defendants.)	

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SUPERIOR COURT

TERMS OF SALE

In accordance with a Writ of Execution issued by the Superior Court on March 3, 2020, in Civil No. ST-2018-CV-00526, that certain plot, piece and parcel of land situated in St. Thomas, U.S. Virgin Islands, known and described as follows:

Week Number 08 in Villa Unit Number 230 in Captain's Command at Bluebeard's Beach Club, an Interval Ownership Condominium (the "Condominium"), as initially described in the "Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, an Interval Ownership Condominium" dated October 13, 1997 and recorded at the Office of the Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands, on October 30, 1997 in Book 48-U, Page 187, Sub No. 1024, and noted in the Real Property Registers at Auxiliary 21(Q), Page 1, as amended and superseded by "Amended Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated March 30, 1998 in Book 49-O, Page 1, Sub No. 511, as further amended by "Amendment No. 2 to Declaration of Condominium of Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated September 29, 1999 and recorded at the Office of Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands on September 29, 1999 as Document No. 1999005572, as amended and superseded by "Second Restated and Amended Declaration of Condominium Establishing Captain's Command at Bluebeard's Beach Club, An Interval Ownership Condominium" dated January 20, 2004 and recorded as instrument No. 2004001105 at the Office of the Recorder of Deeds for St. Thomas and St. John, U.S. Virgin Islands, as the same may have been or may hereafter be further amended (collectively, the "Declaration"), establishing the Condominium for the real property described as Parcels Nos. 100-A, 100-B, and 100-C together with easements "A" and "B" on Parcel 100-Rem. No. 4 Estate Frenchman's Bay Quarter, Charlotte Amalie, St. Thomas, U.S. Virgin Islands, as shown on P.W.D Drawing No. D9-6322-T97, dated February 18, 1997 (Parcels 100-A and 100-B) and P.W.D. Drawing No. D9-6564-T99, dated March 22, 1999 (Parcel 100-C). If

the aforesaid Week Number has a qualifier of "E", then ownership is every other even calendar year; if the aforesaid Week Number has a qualifier of "O" then ownership is every other odd calendar year; and if the aforesaid Week Number has no qualifier, then ownership is every calendar year;

consisting of a Studio Unit of 312 square feet located on the 2nd floor of the Captains Cabin Building, together with all appurtenances and improvements thereto, is being sold at 10:00 a.m. on September 8, 2021, in the state and condition in which it is found at the knock of the hammer and stands for the account and risk of the purchaser in all respects, subject to any unpaid real property taxes thereon, and to the following additional terms of sale:

1. The terms of sale shall be cash, certified check, bank check or U. S. postal money order, with the sole exception that Plaintiff Captain's Command at Bluebeard's Beach Club Owners' Association, Inc. ("Captain's Command") may bid a credit against its Judgment and interest thereon, costs and expenses without tender of cash. The successful bidder ("purchaser") shall be required to deposit with the Office of the Virgin Islands Marshal cash, certified check, bank check or U. S. postal money order equal to ten percent (10%) of the purchase price at or before 3 p.m. on the date of sale. The remaining ninety percent (90%) shall be paid in cash, certified check, bank check or U. S. postal money order within thirty (30) days of the sale.

2. Bids may not be withdrawn. Each bid shall remain open until payment of ten percent (10%) of the purchase price as set forth in paragraph 1. If the purchaser fails to furnish the required ten percent (10%) deposit at or before 3:00 p.m. on the date of sale, then the Marshal reserves the right to award the sale to the next highest bidder, who shall then become the purchaser required to deposit with the Marshal ten percent (10%) of his bid, and so forth. Each defaulting bidder shall be jointly and severally liable for any excess of his bid over the final purchase price.

3. The proceeds of such sale shall be applied as follows: first, toward satisfaction of any expenses associated with the sale, and then toward satisfaction of the judgment in favor of Captain's Command with such amount remaining, if any, to be paid into the registry of the Court to abide further orders of the Court.

4. All payment must be made by cash, certified check, bank check or U.S. postal money order. Personal uncertified checks will not be accepted.

5. The Marshal reserves the right to reject any and all bids not in accordance with the terms of sale.

6. The Marshal will issue a Certificate of Sale to the purchaser upon completion of the sale by the Superior Court of the Virgin Islands, and will issue a Marshal's Deed to the said purchaser, or said purchaser's assignee, upon the expiration of the Virgin Islands statutory redemption period of six (6) months after confirmation of the sale. The purchaser will be responsible for the payment of the necessary documentary stamps on the deed (2% of the purchase price) and for the preparation and recording of the deed.

DATED: July 7, 2021

OFFICE OF THE VIRGIN ISLANDS MARSHAL

**LAWRENCE A. WALCOTT, JR.,
CHIEF MARSHAL**

By: 

**ANDREW R. AYALA,
ASSISTANT MARSHAL**

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