

ATLANTIC REGIONAL FEDERAL CREDIT UNION

v.

ROBERT BAIZLEY et al.

Submitted on Briefs February 28, 2008  
Decided March 27, 2008

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Robert and Mary Ann Baizley appeal from a judgment of the Superior Court (Cumberland County, *Crowley, J.*) terminating a stay of the issuance of a writ of possession and remanding the matter to District Court for issuance of the writ. Contrary to the Baizleys' argument, the complaint for forcible entry and detainer to collect a debt secured by a boat was *in personam*, and so could be adjudicated in state court. State courts have the authority to adjudicate admiralty actions brought *in personam*. *Dietrich v. Key Bank*, 72 F.3d 1509, 1515 n.10 (11th Cir. 1996); *Mangual-Saez v. Brilliant Globe Logistics, Inc.*, 2004 U.S. Dist. LEXIS 27003, at \*19-20 (D. P.R. Jan. 27, 2004). *In personam* actions are those in which the

owner is the named defendant, *Madruga v. Superior Court of Cal.*, 346 U.S. 556, 560-61 (1954); *The Glide*, 167 U.S. 606, 613 (1897), and that affect only the interests of the parties. *Mangual-Saez*, 2004 U.S. Dist. LEXIS at \*21. 46 U.S.C. § 31325(b) (2007) provides that federal jurisdiction as it pertains to mortgages on vessels is not exclusive and therefore actions arising from such mortgages can be adjudicated in state court. *Sovereign Bank v. Bowditch Boat Holdings, LLC*, 376 F. Supp. 2d 3, 6 (D. Mass. 2005).

The entry is:

Judgment affirmed.

---

**Attorney for Robert and Mary Ann Baizley:**

Michael X. Savasuk, Esq.  
Law Office of Michael X. Savasuk  
Two Portland Fish Pier, Suite 213  
PO Box 267  
Portland, Maine 04112-0267

**Attorney for Atlantic Regional Federal Credit Union:**

Daniel L. Cummings, Esq.  
Norman, Hanson & DeTroy, LLC  
415 Congress Street  
PO Box 4600  
Portland, Maine 04112-4600