

United States District Court Middle District of Florida



ADMIRALTY AND MARITIME PRACTICE MANUAL

This manual is the work product of lawyers and judges from around the district, with special thanks to the Middle District's Admiralty and Maritime Practice Committee. This manual, consistent with the law and rules of the United States, governs admiralty and maritime practice in this district. This manual was last updated on October 30, 2020.

Table of Contents

- 1. General Provisions3
- 2. In Personam Actions: Attachment and Garnishment5
- 3. Action In Rem8
- 4. Possessory, Petitory, or Partition Action..... 12
- 5. Action In Rem and Quasi In Rem: General Provisions 13
- 6. Action to Limit Liability30
- 7. Appendix of Forms31

1. General Provisions

(a) **Scope and Application.** This manual complements the Supplemental Rules for Admiralty or Maritime Claims and governs admiralty and maritime practice in this district. This manual cites as Section __ when referring to other sections within this manual.

(b) **“In Admiralty” Designation.** In an action containing an admiralty or maritime claim, a party’s first pleading must state underneath the case number “In Admiralty.”

(c) **Verification.** Every complaint and claim filed under Supplemental Rules B, C, or D must be verified by a party or an officer of a corporate party. If a party or corporate officer is not available, an attorney-in-fact or the attorney of record may verify a pleading or other paper requiring verification. The verification must state briefly the source of the knowledge or information and belief and must declare that the document affirmed is true to the best of the person’s knowledge or information and belief. Additionally, the verification must state that the person is authorized to make this representation on behalf of the party or corporate officer and must state why the representation is not made by a party or a corporate officer. The verification is deemed made by the party to whom the document applies as if verified personally. Any interested party may move for the personal verification of a party or a corporate officer.

(d) **Issuance of Process.** Except as limited by Supplemental Rule B(1) and Section 2(b), Supplemental Rule C(3) and Section 3(a), or an action prosecuted in forma pauperis, all process must be issued by the court without further notice.

(e) **Publication of Notice.** Whenever a notice must be published, the notice must be published at least once in an approved newspaper in the county where the vessel or property was located at the time of arrest, attachment, or seizure, and, if different, in the county within the Middle District of Florida where the action is pending. An approved newspaper is a newspaper of general circulation. The newspaper of largest circulation in a county is presumed to be a newspaper of general circulation in that county.

(f) **Form and Return of Process in In Personam Action.** Unless otherwise ordered, process must be by civil summons and must be returnable

twenty-one days after service of process. However, process issued in accord with Supplemental Rule B must conform to the requirements of that rule.

(g) **Appendix of Forms.** The forms in the Appendix illustrate the format and content of papers filed in an admiralty and maritime action in the Middle District of Florida. This manual cites the forms as MDF ____.

2. In Personam Actions: Attachment and Garnishment

(a) **Definition of “Not Found Within the District.”** In an action in personam filed under Supplemental Rule B, a defendant is “not found within the district” if the defendant cannot be served with the summons and complaint within the Middle District of Florida.

(b) **Pre-seizure Requirements.**

(1) **Court Authorization.** In accord with Supplemental Rule B(1), the process of attachment and garnishment must issue only after one of these conditions is met:

(A) **Judicial Review Before Issuance.** Except as provided in Section 2(b)(1)(B), a judge must first review the verified complaint and any other relevant papers before the clerk issues the requested process of attachment and garnishment. If probable cause exists, the plaintiff must prepare a proposed order directing the clerk to issue the process. See MDF 700. Upon receipt of the signed order, the clerk must issue the summons and process of attachment and garnishment. The clerk may issue supplemental process without further order.

(B) **Certification of Exigent Circumstances.** If the plaintiff files a written certification that exigent circumstances make review by the judge impracticable, the clerk must, in accord with Section 2(b)(2), issue a summons and the process of attachment and garnishment. At any post-attachment proceedings under Supplemental Rule E(4)(f) and Section 2(d), the plaintiff must show that probable cause existed for issuing process and that exigent circumstances existed to preclude judicial review.

(2) **Preparation and Issuance of the Process of Attachment and Garnishment.** The plaintiff must prepare the summons and the process of attachment and garnishment

and deliver the documents to the clerk for filing and issuance. The process of attachment and garnishment must substantially conform to MDF 701 and must give adequate notice of the post-seizure provisions of Section 2(d).

- (3) **Marshal's Return of Service.** The Marshal must file a return of service and, if service was perfected on a garnishee, the Marshal must state in the return the name, address, and telephone number of the garnishee.

(c) **Notification of Seizure.** In an in personam action under Supplemental Rule B, the plaintiff or garnishee must initially attempt to perfect service of the notice of seizure in accord with Supplemental Rule B(2)(a) or (b). When service of the notice cannot be perfected in accord with Supplemental Rule B(2)(a) or (b), the plaintiff or garnishee must attempt to perfect service in accord with Supplemental Rule B(2)(c). Service of process will be sufficiently served by leaving a copy of the process of attachment and garnishment with the defendant or garnishee at the usual place of business.

(d) **Post-attachment Review Proceedings.**

- (1) **Filing a Required Answer.** Any person who claims an interest in property seized under Supplemental Rule B must file an answer and claim against the property. The answer and claim must describe the nature of the claimant's interest in the property and must state why the seizure should be vacated. The claimant must serve a copy of the answer and claim on the plaintiff, the Marshal, and any other party. The claimant must also file a certificate of service.
- (2) **Hearing on the Answer and Claim.** The claimant may be heard no sooner than three days after the claimant files and serves the answer and claim. If the judge vacates the seizure, the judge may also award attorney's fees, costs, and other expenses incurred by any party as a result of the seizure. If the seizure was predicated on showing "exigent circumstances" under Section 2(b)(1)(B) and the judge finds that such exigent circumstances did not exist, the

judge may award attorney's fees, costs, and other expenses incurred by any party as a result of the seizure.

(e) **Procedural Requirements for the Entry of Default.** A party seeking the entry of default in a Supplemental Rule B action must file a motion, a legal memorandum, and other proof sufficient to demonstrate notice in accord with Section 2(c). If appropriate, the clerk must enter a default and serve notice of the default on all parties.

(f) **Procedural Requirements for the Entry of Default Judgment.** Neither sooner than seven days nor later than thirty days after notice of the default, the party seeking the entry of default judgment must file a motion, a legal memorandum, and other proof sufficient to support default judgment. The moving party must serve these papers on every other party and file a certificate of service. If the judge grants the motion and enters the default judgment, the judgment must establish a right for the party in whose favor judgment is entered. The judgment must be considered before any claim of the owner of the defendant property against which it is entered; provided, however, that the judgment does not establish any entitlement to priority over non-possessory lien claimants. Obtaining a judgment by default does not preclude the judgment creditor from proving that any portion of a claim within the judgment is prior to any such non-possessory lien claims.

3. Action In Rem

(a) Pre-seizure Requirements.

(1) **Court Authorization.** In accord with Supplemental Rule C(3), the process of arrest in rem must issue only after one of these conditions is met:

(A) **Judicial Review Before Issuance.** Except as provided in Section 3(a)(1)(B), a judge must first review the verified complaint and any other relevant papers before the clerk issues the warrant of arrest or summons in rem. If probable cause exists, the plaintiff must prepare an order directing the clerk to issue a warrant of arrest or summons. See MDF 702. Upon receipt of the signed order, the clerk must issue the warrant of arrest or summons in accord with Section 3(a)(2). The clerk may issue supplemental process without further order.

(B) **Certification of Exigent Circumstances.** If the plaintiff certifies that exigent circumstances make review by the judge impracticable, the clerk must issue a warrant of arrest or summons. At any post-arrest proceedings under Supplemental Rule E(4)(f) and Section 3(f), the plaintiff must show probable cause existed for issuing process and exigent circumstances precluded judicial review.

(2) **Preparation of the Warrant of Arrest or Summons.** The plaintiff must prepare and file the warrant of arrest or summons. The warrant of arrest must substantially conform to MDF 703 and must give adequate notice of the post-arrest provisions of Section 3(f).

(b) Requirements if Action Involves Freight, Proceeds, or Intangible Property.

(1) **Instructions to be Contained in the Summons.** Unless otherwise ordered, the summons must order the person

having control of the freight, proceeds, or intangible property to either:

- (A) File a claim in accord with Section 3(e)(1) within fourteen days after service of the summons; or
- (B) Deliver or pay the Marshal, the freight, proceeds, or intangible property sufficient to satisfy the plaintiff's claim.

The summons must also inform the person controlling the freight, proceeds, or intangible property that service of the summons has the effect of arresting the property, thereby preventing the release, disposal, or other distribution of the property without prior order.

- (2) **Requirements for Claims to Prevent the Delivery of Property to the Marshal.** Any claim filed in accord with Supplemental Rule E(4) and Section 3(e)(1) must describe the interest in the property and must state why the seizure should be vacated. The claimant must serve the claim on the Marshal and all parties and file a certificate of service.
- (3) **Delivery or Payment of the Freight, Proceeds, or Intangible Property to the Marshal.** Unless a claim is filed in accord with Supplemental Rule E(4)(f) and Section 3(e)(1), any person served with a summons must, within fourteen days after service, deliver or pay over to the Marshal the freight, proceeds, or intangible property sufficient to satisfy the plaintiff's claim. Unless otherwise ordered, the person tendering control of the freight, proceeds, or intangible property will be excused from further duty.

(c) **Publishing Notice of the Arrest as Required by Supplemental Rule C(4).**

- (1) **Time for Publication.** If the property is not released within fourteen days, the notice required by Supplemental Rule C(4) must be published by the plaintiff in accord with

Section 1(e). The notice must be published within twenty-one days after execution of process. See MDF 706.

- (2) **Proof of Publication.** The plaintiff must file proof of publication not later than fourteen days after the last day of publication. Proof of publication must include the sworn statement by or on behalf of the publisher or editor, the dates of publication, and a copy of the actual publication.

(d) **Undertaking in Lieu of Arrest.** If a party accepts any written undertaking to respond on behalf of the vessel or other property in return for foregoing the arrest, the undertaking must be substituted for the vessel or other property sued in rem. The undertaking must be referred to under the name of the vessel or other property in any pleading, order, or judgment. The undertaking must only respond to orders or judgments in favor of the party accepting the undertaking, and any parties expressly named therein, to the extent of the benefit thereby conferred.

(e) **Time for Filing Claim or Answer.** Unless otherwise ordered, any claimant of property subject to an action in rem must:

- (1) File the claim within fourteen days after process is executed or fourteen days after the publication of the notice of arrest, whichever is later; and
- (2) Serve the answer within twenty-one days after the filing of the claim.

(f) **Post-arrest Proceedings.** Coincident with filing a claim under Supplemental Rule E(4)(f) and Section 3(e)(1), the claimant may also file a motion and proposed order directing the plaintiff to show cause why the arrest should not be vacated. If the judge grants the motion, the order must set a date and time for a show cause hearing. If the judge orders the arrest to be vacated, the judge may award attorney's fees, costs, and other expenses incurred by any party as a result of the arrest. If the seizure was predicated on showing "exigent circumstances" under Section 3(a)(1)(B) and the judge finds that exigent circumstances did not exist, the judge may award attorney's fees, costs, and other expenses incurred by any party as a result of the seizure.

(g) **Procedural Requirements Before the Entry of Default.**

- (1) **The Party's Filings.** A party seeking the entry of default in rem must file a motion and legal memorandum. The party seeking the entry of default must also file other proof of:
- (A) Service on the master or other person having custody of the property;
 - (B) Delivery, or by certified mail return receipt requested (or the international equivalent), to every other person who is known to claim a possessory interest in the property. The party seeking entry of default judgment under Section 3(h) may be excused for failing to give notice to every "other person" upon a satisfactory showing that diligent effort was made to give notice without success; and
 - (C) Publication as required by Supplemental Rule C(4) and Section 3(c), at least seven days before the party seeking entry of default.
- (2) **The Clerk's Entry of Default.** Upon review of the motion, memorandum, and other proof, the clerk, may, where appropriate, enter default. The clerk must serve notice of the entry of default on all parties.

(h) **Procedural Requirements for the Entry of Default Judgment.**

Neither sooner than seven days nor later than thirty days after the entry of default, the moving party must file a motion, a legal memorandum, and documents supporting the entry of default judgment. If the judge grants the motion, such judgment establishes a right on the part of the party in whose favor it is entered. No default judgment will operate to adjudicate priorities among competing non-possessory lien claimants. Obtaining a judgment by default does not preclude the party in whose favor it is entered from proving any portion of a claim within the judgment is prior to any such non-possessory lien claim.

4. Possessory, Petitory, or Partition Action

(a) **Date for the Return of Process.** In a possessory action under Supplemental Rule D, the judge may order that process be returnable at a time shorter than that prescribed by the Federal Rules of Civil Procedure. If an order shortens the time, the order must specify the answer's due date. The judge may also set a hearing date to expedite the action.

(b) **Service of Notice.** Notice of a possessory, petitory, or partition action under Supplemental Rule D must be made in accord with Section 1(e).

5. Action In Rem and Quasi In Rem: General Provisions

(a) **Statement of Itemized Damages and Expenses.** Every complaint in a Supplemental Rule B or C action must state the amount of the debt, damages, or salvage. The complaint must also specify the amount of any unliquidated claims, including attorney's fees.

(b) **Requirements and Procedures for Effecting Intervention.** Whenever a vessel or other property is arrested or attached in accord with any Supplemental Rule and the vessel or property is in the custody of the U.S. Marshal or duly authorized substitute custodian, any other person having a claim against the vessel or property must present the claim by:

- (1) **Intervention of Right When No Sale of the Vessel or Property Pending.** Except as limited by Section 5(b)(2), any person having a claim may file an intervening complaint before an order scheduling the sale. Coincident with filing an intervening complaint, the offering party must file a supplemental warrant of arrest or a supplemental process of attachment and garnishment. Upon receipt of the intervening complaint and supplemental process, the clerk must conform a copy of the intervening complaint and must issue the supplemental process. The offering party must deliver the conformed copy of the intervening complaint and supplemental process to the Marshal for execution. Upon receipt of the intervening complaint and supplemental process, the Marshal must re-arrest or re-attach the vessel or property in the name of the intervening plaintiff. Counsel for the intervening party must serve a copy of the intervening complaint and copies of all process and exhibits on all other counsel of record. Counsel for the intervening party also must file a certificate of service.
- (2) **Permissive Intervention When the Vessel or the Property Scheduled for Sale.** Subject to any other section or order, no person has an automatic right to intervene in an action when the judge orders the sale of the vessel or property and the date of the sale is set within fourteen days from the date

the intervening party moves for permission to intervene. The person seeking permission to intervene must:

- (A) File a motion to intervene and request an expedited hearing;
- (B) Include a copy of the anticipated intervening complaint as an exhibit;
- (C) Include a proposed supplemental warrant of arrest or a supplemental process of attachment and garnishment;
- (D) Serve copies of the motion to intervene, exhibits, and proposed supplemental process on every other party; and
- (E) File a certificate of service.

The judge may permit intervention under terms equitable to the interests of all parties. If intervention is permitted, the judge must direct the clerk to issue the supplemental process. Upon receipt of the order permitting intervention, the clerk must file the originally signed intervening complaint, conform a copy of the intervening complaint, and issue the supplemental process. The offering party must deliver the conformed copy of the intervening complaint and supplemental process to the Marshal for execution. Upon receipt of the intervening complaint and supplemental process, the Marshal must re-arrest or re-attach the vessel or property in the name of the intervening plaintiff.

(c) **Special Requirements for a Salvage Action.** In a salvage action, the complaint must state, to the extent known, the value of the hull, cargo, freight, and other property, the amount claimed, the names of the principal salvors, and that the action is filed on behalf of the principal salvors and all other persons associated with them. In addition to these special pleading requirements, the plaintiff must attach as an exhibit to the complaint a list of all known salvors, and all persons believed entitled to share in the salvage. The

plaintiff must also attach a copy of any agreement of consortium available and known to exist among them.

(d) **Form of Stipulation or Bond.** Stipulations or bonds in an admiralty and maritime action need not be under seal and may be executed by the agent or attorney of the stipulator or obligor. A stipulation for costs with corporate surety need not be signed or executed by the party but may be signed by the party's agent or attorney. In an action filed by the United States, a stipulation or bond is not required.

(e) **Stipulation for Costs.**

- (1) **Seaman's Wage Claim.** A seaman wage claim may be filed without posting a stipulation for costs.
- (2) **Security for Costs.** In an action under the Supplemental Rules, a party may move upon notice to all parties for an order to compel an adverse party to post security for costs under Supplemental Rule E(2)(b). Unless otherwise ordered, the amount of security must be \$250. The party so ordered must post the security within seven days. A party who fails to post security may not participate further in the proceedings. A party may move for an order increasing the amount of security.
- (3) **Security for Costs and Limitation of Liability Proceedings.** The amount of security for costs under Supplemental Rule F(1) must be \$250 and it may be combined with the security for value and interest, unless otherwise ordered.

(f) **Deposit of Marshal's Fees and Expenses Required Before Effecting Arrest, Attachment, or Garnishment.**

- (1) **Deposit Required Before Seizure.** Any party seeking the arrest or attachment of property in accord with Supplemental Rule E must deposit a sum with the Marshal sufficient to cover the Marshal's estimated fees and expenses of arresting and keeping the property for at least fourteen days. The Marshal does not have to execute process until the deposit is made.

- (2) **Proration of Marshal's Fees and Expenses.** When a party intervenes, the burden of advancing sums to the Marshal sufficient to cover the Marshal's fees and expenses must be allocated equitably among the original plaintiff and the intervening party, as explained below:
- (A) **Stipulation for the Allocation and Payment of the Marshal's Fees and Expenses.** Immediately upon filing the intervening complaint, counsel for the intervening plaintiff must confer with all other parties in good faith to allocate fees and expenses among the parties. Any resulting stipulation must be filed and a copy served on the Marshal.
- (B) **Proportionate Shares.** To determine the proportionate shares of each party, counsel for the last intervening plaintiff must determine the total amounts claimed by each party. The individual claims must be determined from the original and amended complaint and all other intervening complaints subsequently accepted and processed by the Marshal in accord with Section 5(b)(1) or (2). Counsel for the last intervening plaintiff must deliver to the Marshal a list summarizing each party's claim and the proportion each party's claim bears to the aggregate claims to the nearest one-tenth of one percentage point.
- (C) **Marshal's Estimate of Fees and Expenses.** Upon receipt of this list, the Marshal must determine the total expenses incurred to date and must estimate the expenses to be incurred during the next fourteen days. To make this calculation, the Marshal must calculate the total fees and expenses from the date when continuous and uninterrupted arrest or attachment of the property began, and not prorated from the date a particular party's intervening complaint was filed. The Marshal must then apply the percentages determined in the listing and must

compute the amount of the intervening party's initial deposit requirements. The Marshal must also utilize this listing to compute any additional deposit requirements necessary under Section 5(f)(3). The Marshal need not re-arrest or re-attach the vessel or property until the deposit is received from the intervening plaintiff.

- (3) **Additional Deposit Requirements.** Until the property arrested or attached and garnished is released or otherwise disposed of in accord with Supplemental Rule E, the Marshal may require any original and intervening party who caused the arrest or attachment and garnishment of a vessel or property to post such additional deposits as the Marshal determines necessary to cover any additional estimated fees or expenses.
- (4) **Judicial Relief From Deposit Requirements.** Any party aggrieved by the deposit requirements of Section 5(f)(2) may apply for relief. The application must be predicated on a showing that owing to the relative priorities of the claims asserted against the vessel or other property, the deposit requirements operate to impose a burden disproportionate to the aggrieved party's recovery potential. The judge may adjust the deposit requirements, but the proportion required of an aggrieved party must not be reduced to a percentage less than that imposed on the claimant whose claim is the smallest among the claims the aggrieved party stipulates as having priority over its claim; or, absent such stipulation, the greatest percentage imposed on any claimant participating in the deposit requirements.
- (5) **Consequence of Failing to Comply with Additional Deposit Requirements.** Any party who fails to make the additional deposit as requested by the Marshal may not participate further in the proceeding, except to seek relief under Section 5(f)(4). Additionally, the Marshal must notify the judge in writing whenever any party fails to make additional deposits as required by Section 5(f)(3).

(6) **Disputes over Obligations to Marshal.** If a party questions its obligations to advance monies required by this section, the Marshal or the party may apply to the judge for instructions concerning that party's obligation under the manual.

(g) **Property in Possession of a United States Officer.** Whenever the property to be arrested or attached is in the custody of a U.S. officer, the Marshal must serve the appropriate process on the officer; or, if the officer is not found within the district, then on the custodian of the property within the district. The Marshal must direct the officer or custodian not to relinquish custody of the property until ordered.

(h) **Process Held in Abeyance.**

(1) **When Permitted.** In accord with Supplemental Rule E(3)(b), the plaintiff may ask the clerk not to issue process, but rather to hold the process in abeyance. The clerk is not responsible for ensuring process is issued at a later date.

(2) **When Intervention Subsequently Required.** A vessel or other property should be arrested or attached by process issued and effected in only one civil action. If, while process is held in abeyance in one action, the vessel or property is arrested or attached in another action, the plaintiff who requested process be held in abeyance in the first action must voluntarily dismiss without prejudice the first action, insofar as that action seeks to proceed against the property arrested or attached in the second action. The dismissing party may promptly intervene in the second action under Section 5(b)(1) or (2). A motion to consolidate in rem actions against the same vessel or property will be granted only in exceptional circumstances.

(i) **Release of Property in Accord with Supplemental Rule E(5).**

(1) **Release by Consent or Stipulation.** Subject to the limitations imposed by Supplemental Rule E(5)(c), the Marshal may release any vessel, cargo, or property to the party on whose behalf the vessel, cargo, or property is

detained. As a precondition to release, the Marshal must require a stipulation, bond, or other security expressly authorizing the release. The authorizing instrument must be signed by the party, or the party's attorney, on whose behalf the property is detained. The stipulation, bond, or other security must be posted in an amount equal to, or greater than, the amount required for these types of action:

- (A) **Action Entirely for a Sum Certain.** The stipulation, bond, or other security must be the amount alleged in the complaint, with interest at six percent per annum from the date claimed to be due to a date forty-eight months after the date the claim was filed, or in an amount in an approved stipulation or bond for the amount alleged plus interest as computed in this subsection. The stipulation or bond must be conditioned to abide by all orders and to pay the amount of any final judgment with interest.
 - (B) **Action Other Than Possessory, Petitory, or Partition.** Unless otherwise ordered, the stipulation, bond, or other security must equal the appraised or agreed value of the seized property, with interest. If an appraised value cannot be agreed upon, the judge must order an appraisal in accord with Section 6(c). The stipulation, bond, or other security must be conditioned to abide by all orders and to pay the amount of any final judgment with interest. The person consenting or stipulating to the release must also file a claim in accord with Section 5(b)(1) or (2).
 - (C) **Possessory, Petitory, or Partition Action.** The Marshal may release property in these actions only upon order and the subsequent deposit of security and compliance with such terms and conditions as the judge deems appropriate.
- (2) **Release By an Order.** In accord with Supplemental Rule E(5)(c), a party may petition to release the vessel. See MDF 707. Additionally, the party must prepare a proposed order

directing the release. See MDF 708. As a precondition to the release, the Marshal must require a stipulation, bond, or other security, as specified in Section 5(i)(1)(A), (B) or (C), as appropriate.

(3) **Release Upon the Dismissal or Discontinuance of an Action.** The release will occur after coordination with the Marshal to ensure that all fees and expenses are paid.

(4) **Release After Posting a General Bond.**

(A) **Requirements of a General Bond.** General bonds filed under Supplemental Rule E(5)(b) must identify the vessel by name, nationality, dimensions, official number or registration number, hailing port, and port of documentation.

(B) **Responsibility for Maintaining a Current Listing of General Bonds.** The clerk must maintain a current listing of all general bonds in alphabetical order by name of the vessel. The listing must be available for inspection.

(C) **Execution of Process.** The arrest of a vessel covered by a general bond must be stayed in accord with Supplemental Rule E(5)(b), however, the Marshal must serve a copy of the complaint on the master or other person in whose charge or custody the vessel is found. If neither the master nor another person in charge of custody is found aboard the vessel, the Marshal must make the return accordingly. The plaintiff must advise the owner or designated agent, at the address furnished in the general bond, of the case number, nature of the action, the amount claimed, the plaintiff, the name and address of the plaintiff's attorney, and the return date for filing a claim.

(j) **Application to Modify Security.** Any party having an interest in the subject matter of the action may move, after notice and for cause, for

greater, better, or lesser security. An order modifying the security is enforceable.

(k) **Custody and Safekeeping.**

- (1) **Initial Responsibility.** The Marshal must initially take custody of any vessel, cargo, or other property arrested or attached in accord with this manual. Until such time as a substitute custodian may be authorized in accord with Section 5(k)(3), the Marshal must provide adequate and necessary security for the safekeeping of the vessel or property. In the discretion of the Marshal, adequate and necessary security may include placing keepers on or near the vessel or the appointment of a facility or person to serve as a custodian of the vessel or property.
- (2) **Limitations on the Handling, Repairing, and Subsequent Movement of a Vessel or Property.** After the arrest or attachment of a vessel or property and except as provided in Section 5(k)(1), no person may handle cargo, conduct repairs, or move a vessel without an order.
- (3) **Procedures for Changing Custody Arrangement.** Any party may request to dispense with keepers, to remove or place the vessel, cargo, or other property at a specified facility, to designate a substitute custodian for the vessel or cargo, or for other similar relief. See MDF 704.
 - (A) **Notification of the Marshal Required.** When moving for a change in custody arrangement, either before or after the Marshal takes custody of the vessel or property, the filing party must serve notice of the motion on the Marshal in sufficient time to permit the Marshal to review any indemnification and insurance arrangements of the filing party and the proposed substitute custodian. The filing party must serve the motion on all other parties to the litigation.

- (B) **Indemnification Requirements.** Any motion to appoint a substitute custodian or facility must include, as an exhibit to the motion, a consent and indemnification agreement signed by both the filing party, or the party's attorney, and the proposed substitute custodian. The consent and indemnification agreement must expressly release the Marshal from all liability and responsibility for the care and custody of the property while in the hands of the substitute custodian and must expressly hold the Marshal harmless from all claims arising from the substitute custodianship. See MDF 705.
- (C) **Court Approval Required.** The motion to change custody arrangement and the indemnification and consent agreement must be referred to the judge to determine whether the facility or substitute custodian can safely keep the vessel, cargo, or property.
- (4) **Insurance Requirements.**
- (A) **Responsibility for Initially Obtaining Insurance.** Concurrent with the arrest or attachment of a vessel or property, the Marshal must obtain insurance to protect the Marshal, the deputies, the keepers, and the custodians from liability arising from the arrest or attachment. The insurance must protect any liability arising from performing services to protect the vessel, cargo, or property.
- (B) **Payment of Insurance Premiums.** The party applying for the arrest or attachment of a vessel, cargo, or property must promptly reimburse the Marshal for paid insurance premiums. The party applying for change in custody arrangement must reimburse the Marshal for any additional premiums associated with the change.

- (C) **Taxation of Insurance Premiums.** The premiums charged for the liability insurance will be taxed as an expense of custody.
- (5) **Contribution by Intervening Parties to Expenses of Substitute Custodian.** When a substitute custodian is authorized under Section 5(k)(3), an order may require the intervening parties to contribute to all expenses of the substitute custodian and to insurance premiums required under Section 5(k)(4) on equitable terms. In addition to all relevant facts, the judge may consider the provisions of Section 5(f)(2)(B) in determining expenses.
- (1) **Preservation, Humanitarian, and Repatriation Expenses.**
- (1) **Limitations on Reimbursement for Services and Supplies Provided to a Vessel or Property in Custody.** Except when an emergency or undue hardship, no person may claim as an expense of administration the costs of services or supplies furnished to a vessel, cargo, or property unless such services or supplies have been furnished to the Marshal. Any order issued under this subsection must require the person furnishing the services or supplies to file a weekly invoice. This invoice must be set forth in the format prescribed in Section 5(l)(5).
- (2) **Preservation Expenses for the Vessel and Cargo.** The Marshal or substitute custodian is authorized to incur expenses reasonably deemed necessary in maintaining the vessel, cargo, and property to prevent loss or undue deterioration.
- (3) **Expenses for Care and Maintenance of a Crew.** Except in an emergency or by order, neither the Marshal nor substitute custodian must incur expenses for feeding or otherwise maintaining the crew. An application for providing food, water, and necessary medical services to the crew may be submitted and decided ex parte. The application must be made by some person other than the owner, manager, or general agent of the vessel. The

application must be filed within thirty days from the date of the vessel's initial seizure. Otherwise, unless an emergency, the application must be filed and served on all parties, who in turn must have fourteen days from receipt of the application to file a written response. Expenses for feeding or otherwise maintaining the crew, when incurred in accord with this subsection, must be taxed as an expense of administration and not as an expense of custody.

- (4) **Repatriation Expenses.** Absent an order expressly requiring the repatriation of the crew and passengers and directing that the expenses be taxed as a cost of administration, no person is entitled to claim these expenses as expenses of administration.
- (5) **Claim by a Supplier for Payment.** Any person requesting payment for furnishing services or supplies in compliance with Section 5(l) must submit an invoice to the Marshal for review and approval. The claim must be presented in the form of a verified claim and must be submitted within a reasonable time after furnishing the services or supplies, but, in no event, must a claim be accepted after the vessel or property is released. The claimant must file a copy of the verified claim with the Marshal and serve the substitute custodian and all other parties to the litigation. The Marshal must review the claim, make appropriate adjustments or recommendations to the claim, and forward the claim to the judge for consideration. The judge may postpone the hearing on an individual claim until a hearing can be set to consolidate other claims against the property.

(m) **Property in Incidental Custody and Otherwise Not Subject to the Arrest or Attachment.**

- (1) **Authority to Preserve Cargo in Incidental Custody.** The Marshal or an authorized substitute custodian is responsible for securing, maintaining, and preserving all property incidentally taken into custody as a result of the arrest or attachment of a vessel or property. Incidental

property may include, but is not limited to, laden cargo not itself the subject of the arrest or attachment. The Marshal or other custodian must maintain a separate account of all costs and expenses associated with the care and maintenance of property incidentally taken into custody. Any person claiming entitlement to possession of property incidentally taken into custody may be required, as a precondition of receiving possession, to reimburse the Marshal for the separately accounted expenses. Monies received by the Marshal will be credited against the expenses of custody and administration.

- (2) **Separation, Storage, and Preservation of Property in Incidental Custody.** Any party or the Marshal may petition to permit the separation and storage of property in incidental custody from the property actually arrested or attached. When separation of the property is ordered to protect the incidentally seized property from undue deterioration, provide for safer storage, meet an emergency, reduce the expenses of custody, or to facilitate a sale of the vessel or other property under Section 5(q), the costs of such separation must be treated as an expense of preservation and taxed as a cost of custody.
 - (3) **Disposal of Unclaimed Property.** Property incidentally in custody and not subsequently claimed by any person entitled to possession, must be disposed of in accord with the laws governing the disposition of property abandoned to the United States of America. Except when prohibited by prevailing federal statute, the resulting net proceeds associated with the disposition of abandoned property must be applied to offset the expense of administration, with the remainder escheating to the United States of America as provided by law.
- (n) **Dismissal.**
- (1) **By Consent.** No action may be dismissed unless all court costs and expenses are paid. Additionally, if there is more than one plaintiff or intervening plaintiff, no plaintiff or

intervening plaintiff may dismiss a claim without payment of a proportionate share of costs and expenses in accord with Section 5(f).

- (2) **Involuntary Dismissal.** An order involuntarily dismissing a claim must also designate the costs and expenses to be paid by the party or parties dismissed.

(o) **Judgment.**

- (1) **Expense of Surety as Costs.** If costs are awarded to any party, all reasonable premiums or expenses paid by the prevailing party on bonds, stipulations, and other security must be taxed as costs.
- (2) **Costs of Arrest or Attachment.** If costs are awarded to any party, all reasonable expenses paid by the prevailing party incidental to or arising from the arrest or attachment of any vessel, property, and cargo must be taxed as costs.

(p) **Stay of Final Order.**

- (1) **Automatic Stay for Fourteen Days.** The prevailing party cannot execute on a judgment, and a custodian cannot release seized property, until fourteen days after the entry of the judgment or order of dismissal.
- (2) **Stays Beyond the Fourteen-Day Period.** Unless otherwise ordered, if a party files a post-judgment motion or a notice of appeal within the fourteen-day period, a further stay must exist for a period not to exceed thirty days from the entry of the judgment or order. This additional stay permits the judge to consider an application for the establishment of a supersedeas bond.

(q) **Notice of Sale.**

- (1) **Publication of Notice.** In an action in rem or quasi in rem, and except in suits on behalf of the United States of America where other notice is prescribed by statute, the Marshal must publish notice in any newspaper approved under Section 1(e).

(2) **Duration of Publication.** Unless otherwise ordered, publication of the notice of sale must be made at least twice. The first publication must be at least seven days before the date of the sale. The second publication must be at least three days before the date of the sale.

(r) **Sale of a Vessel or Property.**

(1) **Payment of the Purchase Price.** Unless otherwise provided in the order of sale, the person whose bid is accepted must pay the Marshal the purchase price in the manner provided below:

(A) **If the Bid is Not More Than \$500.00.** The successful bidder must immediately pay the full purchase price.

(B) **If the Bid is More Than \$500.00.** The successful bidder must immediately deposit with the Marshal \$500.00, or 10% of the bid, whichever sum is greater. The bidder must pay the remaining purchase price within three days. If an objection to the sale is filed within the time permitted by Section 5(r)(7), the bidder is excused from paying the remaining purchase price until three days after confirmation of the sale.

(2) **Method of Payment.** Unless otherwise ordered, payments to the Marshal must be made in cash, certified check, or cashier's check.

(3) **Custodial Costs Pending Payment.** When a successful bidder fails to pay the balance of the bid, the Marshal must charge the successful bidder for the cost of keeping the property from the date payment of the balance was due to the date the bidder takes delivery of the property. The Marshal may refuse to release the property until these additional charges are paid.

(4) **Default for Failure to Pay the Balance.** A successful bidder who fails to pay the balance of the bid within the

time allowed is in default. A judge may order that the sale be awarded to the second highest bidder or may order a new sale. Any sum deposited by the successful bidder in default must be forfeited and the Marshal will apply the amount to any additional costs incurred because of the forfeiture and default, including costs incident to resale. The balance of the deposit, if any, must be retained in the registry and subject to further order.

- (5) **The Marshal's Report of Sale.** At the conclusion of the sale, the Marshal must file a written report. The report must include the date of the sale, the amount of the sale, and the name and address of the buyer.
- (6) **Confirmation of Sale.** Unless an objection is timely filed in accord with Section 5(r)(7)(A) or the purchaser is in default for failing to pay the balance of the purchase price, the plaintiff must have the sale confirmed. To confirm the sale, the plaintiff's counsel must file a "Request for Confirmation of Sale" on the day after the last day for filing an objection. See MDF 709. The plaintiff's counsel also must prepare and file a "Confirmation of Sale." See MDF 710. The clerk must promptly transmit a certified copy of the "Confirmation of Sale" to the Marshal. Unless otherwise ordered, if the plaintiff fails to timely file the "Request for Confirmation of Sale" and proposed "Confirmation of Sale," the Marshal must assess any continuing costs or expenses for custody of the vessel or property against the plaintiff.
- (7) **Objections to Confirmation.**
 - (A) **Time for Filing Objections.** Unless otherwise permitted, an objection must be filed within three days after the sale. The party or person filing an objection must serve a copy of the objection on the Marshal and all other parties and must file a certificate of service. Opposition to the objection must be filed within five days after receipt of the objection. The judge must consider the objection

and any opposition to the objection, and must confirm the sale, order a new sale, or grant other relief as appropriate.

(B) **Deposit of Preservation or Maintenance Costs.** In addition to filing written objections, any person objecting to the sale must deposit with the Marshal the cost of keeping the property for at least seven days. Proof of the deposit with the Marshal must be delivered to the clerk by the objecting party. The judge will not consider the objection without proof of this deposit. If the objection is sustained, the objector will be reimbursed for the expense of keeping the property from the proceeds of any subsequent sale and any remaining deposit will be returned to the objector. If the objection is denied, the sum deposited by the objector will be applied to pay the fees and expenses incurred by the Marshal in keeping the property from the date of the objection until the sale is confirmed. Any remaining deposit will be returned to the objector.

(8) **Confirmation of Title.** Failure of a party to give the required notice of an action and arrest of a vessel, property, or cargo or failure to give the required notice of a sale, may afford grounds for objecting to the sale, but such failure does not affect the title of a good faith purchaser of the property.

(s) **Post-sale Claim.** Claims against the proceeds of a sale authorized by this manual, except for seamen's wages, will not be admitted on behalf of a lienor who files a claim after the sale. Unless otherwise ordered, any claim filed after the date of the sale must be limited to the remnants and surplus arising from the sale.

6. Action to Limit Liability

(a) **Publication of the Notice.** The plaintiff must publish the notice in accord with the provisions set forth in Supplemental Rule F(4) and Section 1(e).

(b) **Proof of Publication.** If challenged, the plaintiff must file proof of publication not later than the return date. The proof of publication must include the sworn statement by or on behalf of the publisher or editor, the dates of publication, and a copy of the publication.

(c) **Appraisals.** Upon filing a claimant's motion demanding an increase in the deposited funds or the plaintiff's security, the judge must order an appraisal of the plaintiff's interest in the vessel and pending cargo. Upon receipt of the order directing the appraisal, the parties have seven days to file a written stipulation to an appraiser. If the parties do not file a stipulation, the judge will appoint an appraiser. The appraiser must promptly conduct an appraisal, file the appraisal with the clerk, and serve a copy of the appraisal on the moving party and the plaintiff. The appraiser must also file a certificate of service.

(d) **Objections to the Appraisal.** Within fourteen days after the appraisal was filed, any party may move to set aside the appraisal.

(e) **Appraiser's Fee.** An order must establish the appraiser's fee. Unless otherwise ordered, the judge must tax the appraiser's fee against the party seeking relief under Supplemental Rule F(7).

(f) **Party with Burden.** A claimant in a limitation action has the initial burden regarding deadlines in the case management report and court-ordered obligations or deadlines.

7. Appendix of Forms

MDF FORM 700	Order Directing the Issuance of the Process of Attachment and Garnishment
MDF FORM 701	Process of Attachment and Garnishment
MDF FORM 702	Order Directing the Issuance of the Warrant of Arrest [or Summons]
MDF FORM 703	Warrant for Arrest in Rem
MDF FORM 704	Motion for Appointment of Substitute Custodian
MDF FORM 705	Consent and Indemnification Agreement for the Appointment of Substitute Custodian
MDF FORM 706	Notice of Action In Rem and Arrest of Vessel
MDF FORM 707	Motion for Release of a Vessel or Property in Accord with Supplemental Rule E(5)
MDF FORM 708	Order Directing the Release of a Vessel or Property in Accord with Supplemental Rule E(5)
MDF FORM 709	Request for Confirmation of Sale
MDF FORM 710	Confirmation of Sale

MDF 700

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

**ORDER DIRECTING THE ISSUANCE
OF THE PROCESS OF ATTACHMENT AND GARNISHMENT**

Under Supplemental Rule B(1) and Section 2(b)(1) of the Middle District of Florida Admiralty and Maritime Practice Manual, the Clerk must issue the summons and process of attachment and garnishment.

ORDERED in _____, Florida, on _____, 20__.

United States Magistrate Judge

MDF 701

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

PROCESS OF ATTACHMENT AND GARNISHMENT

The complaint was filed on _____, 20__.

In accord with Supplemental Rule B of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and Section 2 of the Middle District of Florida Admiralty and Maritime Practice Manual, you are directed to attach and garnish:

DESCRIPTION

[Describe the property to be attached and garnished in sufficient detail, including location of the property, to permit the U.S. Marshal to effect the seizure.]

You must also give notice of the attachment and garnishment to every person required by the appropriate Supplemental Rule.

DATED in _____, Florida, on _____, 20__.

[Name of Clerk], CLERK

By: _____
Deputy Clerk

[Name of Plaintiff's Attorney]
[Florida Bar Number, if admitted in Fla.]
[Firm Name, if applicable]
[Mailing Address]
[City, State & Zip Code]
[Telephone Number]
[Email Address]

SPECIAL NOTICE

Any person claiming an interest in seized property must file a claim in accord with the post-seizure review provisions of Section 2(d) of the Middle District of Florida Admiralty and Maritime Practice Manual.

MDF 702

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

**ORDER DIRECTING THE ISSUANCE OF
THE WARRANT OF ARREST [OR SUMMONS]**

Under Supplemental Rule C(1) and Section 3(a)(1)(A) of the Middle District of Florida Admiralty and Maritime Practice Manual, the Clerk must issue a warrant of arrest [or summons].

ORDERED in _____, Florida, on _____, 20 __.

United States Magistrate Judge

MDF 703

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

WARRANT FOR ARREST IN REM

TO THE UNITED STATES MARSHAL FOR THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF FLORIDA

The complaint was filed on _____, 20__.

In accord with Supplemental Rule C for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and Section 3 of the Middle District of Florida Admiralty and Maritime Practice Manual, you are directed to arrest the defendant vessel's [_____] boats, tackle, apparel and furniture, and engines and appurtenances, and to detain the same in your custody pending further order.

You must also give notice of the arrest to all persons required by appropriate the Supplemental Rule.

ORDERED in _____, Florida, on _____, 20__.

[Name of Clerk], CLERK

By:

Deputy Clerk

cc: Counsel of Record

SPECIAL NOTICE

In accord with Section 3(e) of the Middle District of Florida Admiralty and Maritime Practice Manual, any person claiming an interest in the vessel or property is required to file a claim within fourteen days after process is executed and is required to file an answer within twenty-one days after the filing of the claim. Any persons claiming an interest in the vessel or property may also pursue the post-arrest remedies set forth in Section 3(f) of the Middle District of Florida Admiralty and Maritime Practice Manual.

MDF 704

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

Under Section 5(k)(3) of the Middle District of Florida Admiralty and Maritime Practice Manual, Plaintiff _____, by and through the undersigned attorney, represents:

- (1) On _____, 20____, Plaintiff filed this action against the vessel's [_____] boats, tackle, apparel, furniture and furnishings, equipment, engines, and appurtenances.
- (2) On _____, 20____, the Clerk of the District Court issued a Warrant of Arrest against the vessel, directing the U.S. Marshal to take custody of the vessel _____, and to retain custody of the vessel pending further order.
- (3)(a) After the issuance of the Warrant of Arrest, the Marshal will take steps to immediately seize the vessel. Continual custody by the Marshal will require the services of at least one custodian at a cost of at least \$_____ per day. [This paragraph is applicable only when the motion for appointment is filed concurrent with the complaint and application for the warrant of arrest.]

- or -

- (3)(b) By the Warrant of Arrest, the Marshal arrested the vessel. Continued custody by the Marshal requires the services of _____ custodians at a cost of at least \$_____ per day. [This paragraph is applicable if the Marshal arrested the vessel.]
- (4) The vessel is currently berthed at _____, and subject to the approval of the court, the substitute custodian is prepared to provide security, wharfage, and routine services for the safekeeping of the vessel at a cost substantially less than that presently required by the Marshal. The substitute custodian agrees to provide these services pending further order.

- (5) The substitute custodian has adequate facilities for the care, maintenance, and security of the vessel.
- (6) Plaintiff and Substitute Custodian will file a Consent and Indemnification Agreement in accord with Section 5(k)(3)(B) of the Middle District of Florida Admiralty and Maritime Practice Manual.

THEREFORE, subject to the filing of the indemnification agreement noted in paragraph (6) above, Plaintiff requests this court to enter an order appointing _____ as Substitute Custodian for the vessel _____.

DATED in _____, Florida, on _____, 20__.

SIGNATURE OF COUNSEL OF RECORD

Typed Name of Counsel
 Fla. Bar ID No. (if admitted in Fla.)
 Firm or Business Name
 Mailing Address
 City, State, Zip Code
 Telephone Number
 Email Address

cc: Counsel of Record
 Substitute Custodian

SPECIAL NOTE

Plaintiff's attorney must also prepare a proposed order for the appointment of Substitute Custodian.

MDF 705

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

**CONSENT AND INDEMNIFICATION AGREEMENT
FOR THE APPOINTMENT OF SUBSTITUTE CUSTODIAN**

Plaintiff, _____, and _____, the proposed Substitute Custodian, hereby expressly release the U.S. Marshal for this district, and the U.S. Marshal's Service, from any and all liability and responsibility for the care and custody of _____ (describe the property) while in the hands of _____ (substitute custodian).

Plaintiff and _____ (substitute custodian) also expressly agree to hold the U.S. Marshal for this district, and the U.S. Marshal's Service, harmless from any and all claims arising during the period of the substitute custodianship.

The undersigned attorney represents that he is authorized to sign this Consent and Indemnification Agreement for Plaintiff.

SIGNED on _____, 20____.

PLAINTIFF'S ATTORNEY
Typed Name
Fla. Bar ID No. (if admitted in Fla.)
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone Number
Email Address

SUBSTITUTE CUSTODIAN
Typed Name
Fla. Bar ID No. (if admitted in Fla.)
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone Number
Email Address

cc: Counsel of Record

MDF 706

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

_____ Division

Plaintiff,

v.

CASE No. _____

IN ADMIRALTY

Defendant.

NOTICE OF ACTION IN REM AND ARREST OF VESSEL

In accord with Supplemental Rule C(4) for Certain Admiralty and Maritime Action of the Federal Rules of Civil Procedure, and Section 3(c) of the Middle District of Florida Admiralty and Maritime Practice Manual, notice is hereby given of the arrest of _____, in accord with a Warrant of Arrest issued on _____, 20__.

Under Supplemental Rule C(6), and Section 3(e) of the Middle District of Florida Admiralty and Maritime Practice Manual, any person having a claim against the vessel or property must file a claim not later than fourteen days after process is effected and must file an answer within twenty-one days from the date of filing their claim.

DATED in _____, Florida, on _____, 20__.

SIGNED NAME OF PLAINTIFF'S
ATTORNEY

Typed Name of Counsel
Fla. Bar ID No. (if admitted in Fla.)
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone Number
Email Address

cc: Counsel of Record

MDF 707

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

**MOTION FOR RELEASE OF A VESSEL OR PROPERTY
IN ACCORDANCE WITH SUPPLEMENTAL RULE E(5)**

In accordance with Supplemental Rule E(5) and Section 5(i)(2) of the Middle District of Florida Admiralty and Maritime Practice Manual, Plaintiff, on whose behalf property was seized, requests the court to enter an Order directing the United States Marshal for the Middle District of Florida to release the property. This request is made for these reasons:

[Describe the reasons in sufficient detail to permit the court to enter an appropriate order.]

DATED at _____, Florida, on _____, 20____.

SIGNED NAME OF PLAINTIFF'S
ATTORNEY

Typed Name of Counsel
Fl. Bar ID No. (if admitted in Fla.)
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone Number
Email Address

cc: Counsel of Record

MDF 708

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

**ORDER DIRECTING THE RELEASE OF A VESSEL OR
PROPERTY IN ACCORD WITH SUPPLEMENTAL RULE E(5)**

In accord with Supplemental Rule E(5) and Section 5(i)(2) of the Middle District of Florida Admiralty and Maritime Practice Manual, and by the Request for Release filed on _____, 20 ____, the United States Marshal must release the vessel or property currently being held in the Marshal's custody.

ORDERED in _____, Florida, on _____, 20 __.

United States Magistrate Judge

cc: Counsel of Record

MDF 709

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____
IN ADMIRALTY

Defendant.

REQUEST FOR CONFIRMATION OF SALE

Plaintiff certifies:

- (1) **Date of Sale:** In accord with the order of sale, the plaintiff represents that the sale of _____ (describe the property) was conducted by the Marshal on _____, 20____.
- (2) **Last Day for Filing Objections:** Under Section 5(r)(7)(A) of the Middle District of Florida Admiralty and Maritime Practice Manual, the last day for filing objections to the sale was _____, 20____.
- (3) **Survey of Court Records:** The plaintiff confirms that as of _____, 20____, no one filed objections to the sale.

THEREFORE, the plaintiff requests the Clerk to enter a Confirmation of Sale and to transmit the confirmation to the Marshal for processing.

DATED at _____, Florida, on _____, 20 ____.

 SIGNED NAME OF PLAINTIFF'S
 ATTORNEY
 Typed Name of Counsel
 Fla. Bar ID No. (if admitted in Fla.)
 Firm or Business Name
 Mailing Address
 City, State, Zip Code
 Telephone Number
 Email Address

cc: Counsel of Record

MDF 710

APPENDIX OF FORMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

Plaintiff,

v.

CASE No. _____

IN ADMIRALTY

Defendant.

CONFIRMATION OF SALE

No objection was filed to the sale of property conducted by the U.S. Marshal on _____, 20____.

THEREFORE, in accordance with Section 5(r)(6) of the Middle District of Florida Admiralty and Maritime Practice Manual, the sale to [identify the purchaser] must stand confirmed as of _____, 20____.

CONFIRMED in _____, Florida, on _____, 20____.

[Name of Clerk], CLERK

By: _____
Deputy Clerk

cc: U.S. Marshal
Counsel of Record