

FORM NO. 1

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER DIRECTING ISSUANCE OF THE PROCESS OF
ATTACHMENT AND GARNISHMENT, RULE B(3)(a)**

In accordance with FRCP Supplemental Rule (B)(1) and L.A.R. (B)(3)(a), the Clerk is directed to issue the summons and process of attachment and garnishment of the property listed below:

SO ORDERED at _____, Mississippi, this _____ day of _____, 20____.

UNITED STATES DISTRICT/MAGISTRATE JUDGE

Order Submitted by:
(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

FORM NO. 2

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

PROCESS OF ATTACHMENT AND GARNISHMENT, RULE B(1)

TO: The United States Marshal
United States District Court _____ District of Mississippi

The complaint in this action was filed in the _____ Division of this court on
_____, _____.

In accordance with FRCP Supplemental Rule (B) and L.A.R. B(1), you are directed to attach and garnish the property indicated below:

DESCRIPTION

(Describe the property to be attached and garnished in sufficient detail, including location of the property, to permit the United States Marshal to effect the seizure.)

You must also give notice of the attachment and garnishment to every person to whom notice is required by FRCP Supplemental Rule B, L.A.R. A(9) and L.A.R. B(4), as identified below by the plaintiff and any practices of your office.

(List notice parties).

DATED at _____, Mississippi, this ____ day of _____, _____.

CLERK

By: _____
Deputy Clerk

(Name of Plaintiff's Attorney)

(MS Bar No.)

(Firm Name)

(Mailing Address)

(City, State & Zip Code)

(Telephone No.)

(Facsimile No.)

(E-mail Address)

(Attorney for Plaintiff)

FORM NO. 3

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER FOR ISSUANCE OF PROCESS OF
MARITIME ATTACHMENT AND ARREST, FRCP RULE C(2)(a)**

Upon reading the Complaint and affidavit seeking issuance of process of maritime arrest in this action, and good cause appearing therefor, it is

ORDERED:

That the Clerk issue the process of maritime arrest of the vessel _____, her engines, tackle, boilers, etc. and against all persons having or claiming to have any interest therein, that they be cited to appear and answer under oath all and singular the matters set forth in the Complaint.

That any person claiming an interest in the property arrested may, upon a showing of any improper practice or a manifest want of equity on the part of the Plaintiff, be entitled to an order requiring the Plaintiff to show cause why the arrest should not be vacated or other relief granted; and it is further

That a copy of this Order must be attached to and served with the process of maritime arrest.

This, the ____ day of _____, _____.

United States District/Magistrate Judge

Order Submitted by:

(Name of Plaintiff's Attorney)

(MS Bar No.)

(Firm Name)

(Mailing Address)

(City, State & Zip Code)

(Telephone No.)

(Facsimile No.)

(E-mail Address)

FORM NO. 4

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

WARRANT FOR ARREST IN REM, L.A.R. C2(a)

TO THE UNITED STATES MARSHAL
FOR THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF MISSISSIPPI

The complaint in the above-styled *in rem* proceeding was filed in the _____
Division of this Court on _____, 20____.

In accordance with FRCP Supplemental Rule C and L.A.R. C2(a), you are directed both to arrest the defendant vessel, the _____, her tackle, apparel, furniture, engines and appurtenances, should you find her within this district, and to detain her in your custody pending further order of the court.

You must also give notice of the arrest to all persons upon whom notice is required by FRCP Supplemental Rule C(4), L.A.R. C(4), as designated below by the plaintiff and the practices of your office.

(List notice requirements).

SO ORDERED, at _____, Mississippi, this _____ day of _____,
20____.

CLERK

By: _____
Deputy Clerk

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)

(Attorney for Plaintiff)
cc: Counsel of Record

FORM NO. 5

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

NOTICE OF ARREST OF VESSEL AND NOTICE FOR CLAIMS

In accordance with FRCP Supplemental Rule C(4), and L.A.R. C(4), notice is hereby given of the arrest of the _____, her engines, tackle, apparel and appurtenances in accordance with a Warrant for Arrest issued on _____, _____.

Under FRCP Supplemental Rule C(6)(a), and L.A.R. C(6), any person asserting either a right to possess or ownership of the vessel or property must file a Claim of ownership with the court not later than fourteen (14) days after process has been executed, and shall file an answer within twenty-one (21) days from the date of filing his/her/its claim.

DATED at _____, Mississippi, this _____ day of _____, _____.

SIGNED NAME OF PLAINTIFF=S ATTORNEY
(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

FORM No. 6

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

MOTION FOR PUBLICATION OF NOTICE OF ATTACHMENT, RULE C(4)

COMES NOW plaintiff and moves the court for an order directing the Clerk to publish notice of this action; of defendant's last known address as _____, addressee having left with no forwarding address; and of maritime attachment and garnishment of _____ [*description of property attached*], in the hands of _____ [*party in whose hands attachment laid*]. With said notice to be published in the _____ as a newspaper of general circulation in the district once a week for three successive weeks. Also, said notice to specify that all persons claiming either the right to possess or ownership of the property or having anything to say why it should not be condemned and sold to satisfy the demand of plaintiff must serve and file a claim of owner pursuant to FRCP Supplemental Rule C(6)(a)(i)(iii) and an answer to the complaint on or before twenty-one (21) days after filing his Claim of Owner, whichever is later.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)

(Attorney for Plaintiff)

FORM No. 7

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER FOR PUBLICATION OF ARREST, FRCP SUPPLEMENTAL RULE C(4)

On motion of the plaintiff, it is hereby

ORDERED

that the Clerk publish notice of this action and of the arrest of the _____ in the form attached as Exhibit A to the Plaintiff's Motion for Order for Publication. Such notice will be deemed notice to any adverse party or parties upon whom notice is required by FRCP Supplemental Rule C(4).

United States District/Magistrate Judge

Order Submitted by:

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

FORM No. 8

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

NOTICE TO CLERK OF PUBLICATION OF NOTICE OF ARREST IN
NEWSPAPER OF GENERAL CIRCULATION, RULE C(4)

To: The Clerk of the United States District Court for the _____ District of Mississippi:

The following notice was published in the _____, a newspaper of general circulation in this district, on _____, 20____; _____, 20____; _____; 20____; and _____, 20____:

Notice is hereby given that on _____, The United States Marshall arrested the vessel _____ while afloat at _____ in _____ within the jurisdiction of this court pursuant to an Order of this court and a Warrant for Arrest issued by the clerk of this court upon the filing of a Verified Complaint in the above action. Any person having or claiming an interest in or to the property must file his/her claim within 14 days after publication of this notice, and must file his/her answer to the complaint herein within 21 days thereafter.

/s/

United States Marshal

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

FORM NO. 9

 DISTRICT OF MISSISSIPPI
UNITED STATES DISTRICT COURT

IN THE MATTER OF THE COMPLAINT
OF , owner AND/OR
owner *pro hac vice* of the
FOR EXONERATION FROM OR LIMITATION
OF LIABILITY

CIVIL ACTION NO.:

LETTER OF UNDERTAKING

The undersigned underwriters hereby certify that the below listed insurance companies are insurers and underwriters of , the owner and/or owner *pro hac vice* of the M/V in the amounts and at the percentages designated below and that their policies are in full force and effect providing Protection and Indemnity insurance coverage on behalf of complainants, and the M/V on (date of loss), when an alleged casualty occurred, which is the subject of a Limitation of Liability Action filed in the United States District Court for the District of Mississippi. The undersigned further certify that they are fully authorized to submit this Letter of Undertaking.

This Letter of Undertaking is given in consideration of the claimant(s) refraining from arresting the M/V and refraining from attaching, arresting or otherwise restraining any asset under the same ownership, associated ownership, control and/or management as the M/V because of claims for damages sustained on or about (date of loss), as a result of the alleged casualty captioned above.

In the event a final judgment (after appeal, if any) is entered in favor of the claimant(s) against the M/V _____ and complainants, then Underwriters agree to pay and satisfy their respective share, in accordance with and strictly subject to the terms, conditions and limits of their insurance policies, up to and not exceeding the aggregate total sum of _____ **DOLLARS** of compensatory damages, inclusive of interest and costs in any said final decree, or any lesser amount decreed by the court or settled between the parties, where the settlement has been made with the approval of the Underwriters without any final decree being rendered.

It is understood and agreed between the parties to this undertaking that the aggregate total sum of _____ **DOLLARS** can be reduced by the agreement of the parties or, failing said agreement, by Order of the court during the pendency of this obligation.

It is the intention of this undertaking and guarantee that it be substitute security in lieu of a corporate surety bond, as though the M/V _____ had been arrested under process issued by the United States District Court for the _____ District of Mississippi, and had been released upon the filing of appropriate security on _____ (date of loss), reserving on behalf of the vessel, her owners and underwriters, all their defenses, including, but not limited to, denial of all liability for the claimant(s)' damages, as well as M/V _____ owner's and underwriters' right to petition for exoneration from or limitation of liability. Upon demand, the undersigned agree to cause a bond with approved corporate surety to be filed, in an amount to be agreed upon or fixed by the court, not to exceed _____ **DOLLARS**, with six percent (6%) per annum interest to satisfy all the statutory requirements in limitation actions. In no event,

however, will the Underwriters be responsible for payments in excess of the available limits of their respective insurance policy(ies). In the event that the bond referred to in this paragraph is filed, the undersigned insurers will have no further obligation under this Letter of Undertaking.

Notwithstanding any of the foregoing, the respective liability of the Underwriters pursuant to this letter of undertaking will not exceed their percentage of \$_____, the limits of the policy to which the Underwriters subscribe, and will be strictly subject to the terms, limits, and conditions of the insurance policy, including their respective percentages. The liability of the Underwriters pursuant to this letter of undertaking will not exceed the respective portion of _____ **DOLLARS**. All subscribing underwriters' obligations under the policies to which they subscribe are several and not joint and are limited solely to the extent of their individual subscriptions. These subscribing underwriters are not responsible for the subscription of any co-subscribing underwriter who for any reason does not satisfy all or part of its obligations.

This letter is to be binding whether the M/V _____ is lost at sea or not lost, in port or not in port, and is given without prejudice to any rights or defenses which the M/V _____, or her owner or owner *pro hac vice*, or Underwriters may have under any applicable law or statute, none of which are to be regarded as waived. The giving of this letter of undertaking is not to be deemed or taken to be or accepted as an admission of liability on behalf of the M/V _____ or owner or those interested in her.

IN WITNESS WHEREOF, Underwriters have caused these presents to be duly
executed on their behalf by the undersigned through the duly authorized representatives
of _____ in the following respective percentages: _____

Respectfully submitted this ____ day of _____, ____.

BY: Law Firm

By: _____
Attorneys names
Attorneys In Fact for Underwriters

Respectfully submitted,

BY: Insurer A.

By: _____
Insurer A's representative
Title

BY: Insurer B.

By: _____
Insurer B's representative
Title

BY: Insurer C.

By: _____
Insurer C's representative
Title

FORM No. 10

UNITED STATES DISTRICT COURT
DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM OF OWNER, FRCP SUPPLEMENTAL RULE C(6)

_____ intervenes for itself as owner of the vessel _____, and makes claim to the _____, her tackle, engines, equipment and furnishings, as they are arrested at the instance of _____, the plaintiff. The claimant was at the time the complaint was filed, and still is, the true and bona fide sole owner of the vessel and no other person is the owner thereof.

Respectfully submitted,

[Owner]

By _____
[Title of officer or status of person
executing, i.e., agent or attorney]

Attorney for Claimant

STATE OF _____
COUNTY OF _____

_____, being duly sworn, deposes and says:

I am the _____ of the claimant described in foregoing Claim of Owner. I have read the Claim of Owner and know the contents thereof, and the same are true to my own knowledge, except as to matters therein stated to be upon information and belief, and as to those matters, I believe them to be true.

[Name]

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

FORM No. 11

UNITED STATES DISTRICT COURT
DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM TO CARGO - EX MV VESSEL FRCP SUPPLEMENTAL C(6)

_____ by _____, its attorneys, intervenes for itself as owner of the cargo arrested at the instance of _____ Corporation. Claimant was at the time the Complaint was filed, and still is, the owner of the cargo and entitled to possession of it.

Respectfully submitted,

Attorney for Claimant

Corporation By

*[Title of officer or status of person executing,
i.e., agent or attorney]*

STATE OF _____
COUNTY OF _____

_____ being duly sworn, deposes and says:

I am the _____ of the claimant described in foregoing Claim of Owner. I have read the Claim of Owner and know the contents of it, and the same are true to my own knowledge, except as to matters which I believe to be true.

[Name]

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

FORM No. 12

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

STIPULATION FOR VALUE, FRCP SUPPLEMENTAL RULE E(5)

Under FRCP Supplemental E(5), the parties have agreed for _____, through its attorney-in-fact, to submit itself to the jurisdiction of this court. acknowledges itself to be bound in the sum of _____, with interest at the rate of _____ percent _____ per annum from this date, on behalf of the claimant of vessel _____ to the plaintiff, _____, and agrees to abide by and fulfill the final judgment of this court and, in case of an appeal from final judgment, then the final judgment of the United States Court of Appeals for the Fifth Circuit and, in case of an appeal or *certiorari* granted from final judgment of the Fifth Circuit, then the final judgment of the Supreme Court of the United States in this action. If _____ fails to honor the judgment, it consents that summary process of execution may issue against it, its goods, chattels, land and tenements wherever found or to be found.

This, the ____ day of _____, _____.

WITNESS:

[Name of Corporate Surety]

By: _____ [Seal]

Attorney-in-fact

The foregoing Stipulation is approved as to form and amount.

Attorney for Plaintiff

FORM No. 13

UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**BOND AGREEMENT - SUBSTITUTION OF SECURITY FOR
ATTACHMENT OF VESSEL, FRCP SUPPLEMENTAL E(5)**

A complaint has been filed in this court by _____ against the vessel _____, her engines, tackle, furniture and apparel, *in rem*, and against _____, a corporation, as owner of the vessel, *in personam*. The parties agree to the substitution of other security for the arrest or attachment of the vessel as follows:

_____ as principal and _____, as Surety, are held and firmly bound unto _____ in the sum of _____ (\$_____) Dollars to the use of the said _____ in this action.

The condition of this obligation is such that if the plaintiff, _____, obtains a final judgment or award against the vessel _____, her engines, etc., *in rem*, _____ must satisfy that judgment or award together with interest and costs. If _____ fails to do so, _____ will stand for _____, but not to exceed the above sum, then this obligation will become void, otherwise to remain in full force and effect.

This bond is further subject to the general conditions of the surety bond attached to this agreement and incorporated herein by reference.

Dated this _____ day of _____, 20_____.

Principal

-and-

Surety

FORM No. 14

UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER FIXING BOND AND DIRECTING THAT ATTACHMENT (PROCESS IN REM)
BE DISSOLVED UPON FILING OF SUCH BOND, FRCP SUPPLEMENTAL E(5)**

Upon the stipulation of counsel for _____, plaintiff, and counsel for _____, defendant, to the amount of bond to be filed in this action, pursuant to _____ [state attachment rule], for the purpose of dissolving the attachment (process *in rem*) issued hereunder it is

ORDERED:

a) That the amount of bond to be filed by the defendant is hereby fixed as the sum of _____ (\$_____); and

b) Upon filing of a bond in the amount of _____ (_____) with good and sufficient Surety approved by the court, the attachment (process *in rem*) in this action will be dissolved and the case will proceed in ordinary course.

Dated: _____

United States District/Magistrate Judge

The above Order is hereby stipulated to and agreed upon:

Attorney for Plaintiff

Attorney for Defendant

FORM NO. 15

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

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

In accordance with FRCP Supplemental E(5) and L.A.R. E(8)(b), plaintiff, on whose behalf property or the vessel named _____ has been seized, moves the court to enter an Order directing the United States Marshal for the _____ District of Mississippi to release the property or the vessel named _____. This request is made for the following reasons:

(Describe the reasons in sufficient detail to permit the Court to enter an appropriate order)

DATED at _____, Mississippi, this the _____ day of _____, 20____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

FORM NO. 16

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

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

Plaintiff has moved under FRCP Supplemental E(5) and L.A.R. E(8)(a), to release the _____. The court, being fully advised in the premises, particularly _____, finds the Motion to Release is well taken and should be **GRANTED**, hereby **ORDERS** the United States Marshal to release the vessel _____ and/or property currently being held in his custody in this action to its rightful owner, with a receipt for the vessel or property to be filed with the clerk.

This, the _____ day of _____, 20____.

UNITED STATES DISTRICT MAGISTRATE/JUDGE

The Request for Release of Plaintiff _____ filed.

Order and Submitted by:

(Name of Plaintiff's Attorney)

(MS Bar No.)

(Firm Name)

(Mailing Address)

(City, State & Zip Code)

(Telephone No.)

(Facsimile No.)

(E-mail Address)

(Attorney for Plaintiff)

cc: Counsel of Record

FORM NO. 17

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

APPLICATION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN, FRCP
SUPPLEMENTAL E(C)

Plaintiff _____ (A _____ @) applies for appointment of _____, _____, _____, _____, as substitute custodian for _____, Official No. _____, owned by _____. As grounds for the motion, Plaintiff states as follows:

1. The United States Marshal for the _____ District of Mississippi has been directed by the clerk of this court to seize _____, Official No. _____, pursuant to a warrant for arrest issued by the clerk. The Marshal expects soon to be in custody of such _____, which is currently located at _____. The United States Marshal for the _____ District of Mississippi has no facilities for the custody or fleeting of this _____, and a substitute custodian will be required.

2. _____ has facilities for fleeting and custody of the _____, and is willing to act as substitute custodian for it at a rate of \$ _____ per day.

Plaintiff _____ requests that the court appoint _____ as substitute custodian of _____, Official No. _____ until further order, to become effective after the United States Marshal has seized the _____ and has conducted an inventory of the _____.

RESPECTFULLY SUBMITTED, this _____ day of _____, _____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)

cc: Counsel of Record

(Attorney for Plaintiff)

FORM NO. 18

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CONSENT AND INDEMNIFICATION AGREEMENT
FOR THE APPOINTMENT
OF A SUBSTITUTE CUSTODIAN

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

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

As counsel of record in this action, the undersigned attorney represents that he has been expressly authorized by the plaintiff to sign this Consent and Indemnification Agreement for and on behalf of the plaintiff.

This, the _____ day of _____, 20____, at _____, Mississippi.

PLAINTIFF'S ATTORNEY

Typed Name
MS Bar ID No.
Firm or Business Name
Mailing Address
City, State, Zip Code
Telephone No.
Facsimile No.
E-Mail Address

SUBSTITUTE CUSTODIAN

Typed Name
Mailing Address
City, State, Zip Code
Telephone No.
Facsimile No.
E-Mail Address

cc: Counsel of Record

FORM NO. 19

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER APPOINTING SUBSTITUTE CUSTODIAN, RULE E(4)(d)

Plaintiff, _____ by and through its attorneys, having appeared and made the following recitals:

1. Plaintiff filed a complaint in this action on _____, 20____, asking that the vessel _____, her engines, tackle, apparel, furniture, equipment and all other, necessities thereunto appertaining and belonging, be arrested and, upon entry of judgment, be condemned and sold to pay plaintiff's demands and claims and for other proper relief.

2. On _____, 20____, the Clerk of Court issued a Warrant for Arrest of Vessel commanding the United States Marshal for this district to arrest and take into custody the defendant vessel and to detain the same in his custody until further Order.

3. [The United States Marshal has seized the vessel.] [It is contemplated that the United States Marshal will seize the defendant vessel immediately.] Custody by the United States Marshal requires the services of one or more keepers and includes charges for wharfage and the other services usually associated with the safekeeping of vessels similar to the defendant vessel.

4. The defendant vessel is currently berthed at _____. _____ has agreed to assume the responsibility of safekeeping the vessel and has consented to act as her Substitute Custodian until further Order of this court, all for a sum, including wharfage and routine services required for the safe-keeping of the particular vessel, at a rate of \$_____ per _____. The United States Marshal is unable to perform or to have performed at a comparable rate these same services. Additional services to be performed by _____ will include, e.g., towage, which services will be performed at a separate cost not to exceed \$_____. The above charges are to be advanced to the United States Marshal by the plaintiff at least 24 hours after notification by the United States Marshal that the charges will be incurred. In any case, the transfer of the defendant vessel to the substitute custodian for safekeeping will not be effected until all such charges have been paid by the plaintiff.

5. [substitute custodian], by, affidavit represents that _____ has adequate

facilities and supervision for the proper safekeeping of the vessel and that _____ has insurance coverage *[name the insurance and amount of insurance]* or assets adequate to respond to damage to the defendant vessel or for damages sustained by third parties proximately caused by any acts, faults, or negligence by the substitute custodian. The substitute custodian will accept, in accordance with the terms of this Order, possession of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, which are the subject of this action.

6. Plaintiff _____, in consideration of the United States Marshal's consent to the substitution of custody, agrees to release the United States Marshal and the United States Marshal's Service from all liability and responsibility arising out of care and custody of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, from the time the United States Marshal transfers possession of the vessel over to the substitute custodian, and the plaintiff further agrees to hold harmless and indemnify the United States Marshal and the United States Marshal's Service from any and all claims whatsoever arising out of the substitute custodian's possession and safe-keeping.

THEREFORE, IT IS HEREBY **ORDERED** that the United States Marshal for _____ is authorized and directed, (forthwith) (upon his seizure of the defendant vessel, her engines, tackle, apparel, furniture, equipment and all other necessities thereunto appertaining and belonging, pursuant to said Warrant for Arrest) to surrender possession of them to the substitute custodian named herein, and upon surrendering them, the United States Marshal will be discharged from his duties and responsibilities for the safekeeping of the vessel and held harmless from all claims arising whatever out of substituted possession and safe-keeping.

_____ is hereby appointed substitute custodian of the vessel to retain it in its custody for possession and safekeeping for the above compensation until further Order of this court.

All expenses for the safekeeping of defendant vessel will be deemed administrative expenses of the United States Marshal.

Plaintiff's attorney will serve a copy of said order upon the owner of defendant vessel, pursuant to _____.

Dated: _____

United States District/Magistrate Judge

FORM NO. 20

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

REQUEST FOR CONFIRMATION OF SALE, FRCP SUPPLEMENTAL E(9)

Plaintiff, by and through its undersigned attorney certifies the following:

(1) *Date of Sale*: In accordance with the court's previous Order of Sale, plaintiff represents that the sale of _____ (describe property) was conducted by the United States Marshal on _____, 20____.

(2) *Last Day for Filing Objections*: Under L.A.R. E(17)(g)(1), the last day for filing objections to the sale was _____, _____.

(3) *Survey of Court Records*: Plaintiff has surveyed the docket and records of this case, and has confirmed that as of _____, 20____, there were no objections to the sale on file with the Clerk of Court.

Plaintiff therefore requests the Clerk to enter a Confirmation of Sale and to transmit the confirmation to the United States Marshal for processing.

This, the _____ day of _____, 20_____.

(Name of Plaintiff's Attorney)
(MS Bar No.)
(Firm Name)
(Mailing Address)
(City, State & Zip Code)
(Telephone No.)
(Facsimile No.)
(E-mail Address)
(Attorney for Plaintiff)

cc: Counsel of Record

FORM NO. 21

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

CONFIRMATION OF SALE, RULE E(9)

The records in this action indicate that no objection has been filed to the sale of property conducted by the U.S. Marshal on _____, 20____.

THEREFORE, in accordance with L.A.R. E(17)(f), the sale stands confirmed as of _____, 20_____.

This, the _____ day of _____, 20_____.

CLERK

By:

Deputy Clerk

FORM NO. 22

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

AFFIDAVIT OF _____, FRCP SUPPLEMENTAL F(1)

STATE OF _____

COUNTY OF _____

_____, after being duly sworn by me, states on oath as follows:

1. I am and have been for ____ years a marine surveyor and marine appraiser and am currently employed by _____ as a marine surveyor. As such, I have made inspections and valuations of vessels and barges as part of my job as a marine surveyor. I am familiar with the market value of _____ vessels, including _____ vessels and performing of market value surveys on them.

2. I examined the _____, Official Number _____ At the time of my examination, the _____ was in full service. I performed a market value survey on the _____, and it is my opinion that the market value of the vessel immediately after the incident on _____, was _____ and no/100 Dollars (\$_____).

SWORN TO AND SUBSCRIBED BEFORE ME this the _____ day of _____, 20____.

Notary Public

My Commission Expires:

FORM NO. 23

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

AD INTERIM STIPULATION FOR VALUE, FRCP SUPPLEMENTAL F(1)

_____, a corporation, as owner and operator of the M/V _____, has filed a Complaint for exoneration from, or limitation of its liability as owner and operator, with respect to demands arising out of a casualty which occurred on or about _____, on the _____ River at or near Mile _____ in the vicinity of _____, and the consequent damage. Plaintiff asks, among other things, that the court order due appraisement to be made of the amount or value of its interest in the vessel and its pending freight, if any, and that a notice issue to all persons claiming damage for loss, damage, expense, or injury by, or resulting from the accident, directing them to appear before the commissioner to be appointed by the court, and make due proof of their claims, and to answer the complaint. Plaintiff requests that an injunction issue restraining the commencement or prosecution of all actions, claims or proceedings, except in compliance with the provisions of a monition granted herein.

Plaintiff wishes to prevent the commencement or prosecution of all suits, actions or legal proceedings of any nature in any other court and wishes to provide an ad interim stipulation for value as security for claimants pending the determination by reference of the amount of plaintiff's interest in the vessel and its pending freight, if any.

Accordingly, plaintiff and _____, Surety, having an office and place of business at _____, hereby undertake in the sum of _____ AND NO/100 (\$ _____) DOLLARS, with interest at six (6%) percent per annum from the date the complaint was filed, that the plaintiff will pay into the court within fourteen days after the entry of an order confirming the report of the commissioner, the amount or value of its interest as determined by the commissioner, or will file a bond or stipulation for value in that amount. This ad interim stipulation will stand as security for all claims in the limitation proceeding. Surety hereby submits itself to the jurisdiction of the court and agrees to abide by all orders of the court, interlocutory and final, and to pay the amount awarded by the final judgment rendered by this court or by an appellate court if appealed, to the extent of \$ _____, with interest at six (6%) percent per annum from the date the complaint was filed, unless plaintiff in the meantime pays into court the amount or value of the plaintiff's interest in the vessel and its pending freight or a stipulation for value is given, in which event this ad interim stipulation will be void.

Principal

BY: _____

Surety

BY: _____

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20_____, before me appeared _____, to me personally known, who after being first duly sworn, did state that he is the _____ of _____, a corporation organized under the laws of the State of _____, and is authorized to execute the foregoing document as agent for and on behalf of _____, and acknowledged said instrument to be the free act and deed of the said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal on the day and year first above written.

NOTARY PUBLIC

My Commission Expires:

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20_____, before me appeared _____, to me personally known, who after being first duly sworn, did state that he read the foregoing Ad Interim Stipulation for Value and understands the contents thereof, and has executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal on the day and year first above written.

NOTARY PUBLIC

My Commission Expires:

FORM NO. 24

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**ORDER FOR AD INTERIM STIPULATION AND
ENJOINING OF SUITS, FRCP SUPPLEMENTAL F(1)**

The above named Plaintiff, having on _____, 20____, filed its Complaint for Exoneration From or Limitation of Liability with respect to any loss, damage, injury or destruction arising out of an incident occurring on _____, and thereafter; and said Plaintiff having stated in said Complaint the facts and circumstances upon which said exoneration from or limitation of liability was claimed, and having prayed therein for an appraisal of its interest in the M/V _____ and her pending freight, if any, and for leave to file a stipulation for the amount of said appraised value or, pending said appraisal, an Ad Interim Stipulation; and said appraisal not yet having been had, and it appearing that the Plaintiff's desire, pending said appraisal, is to give an Ad Interim Stipulation and to obtain a restraining order;

NOW, on the proceedings heretofore had herein, and on reading the affidavits on of _____ and _____ of _____, which affidavits have been duly filed in this proceeding, and from which it appears that the value of the Plaintiff's interest in the M/V _____ and her pending freight on the day immediately following said incident did not exceed the sum of \$ _____; and

On reading and filing the Ad Interim Stipulation for Value duly executed on _____, 20____, by the Plaintiff, as principal and by _____, as surety, in the sum of \$ _____, with interest at six (6%) percent per annum from the date of the filing of the Complaint, undertaking to pay into Court, within ten days after the entry of an order herein appraising the value of Plaintiff's interest in the said vessel and in her pending freight, the amount so fixed, or within said time to file in this Court a Stipulation for Value in the usual form and with proper surety in said amount, and that pending such payment into Court or giving of the Stipulation, this Ad Interim Stipulation shall stand as security in said proceeding;

NOW, on Motion of [FIRM'S NAME], _____, attorney _____ for the Plaintiff, it is

ORDERED that said Ad Interim Stipulation be, and the same hereby is approved;

and it is

FURTHER ORDERED that the execution and filing of said Ad Interim Stipulation shall be without prejudice to the due appraisal of the Plaintiff's said interest under the order of this Court and that; on the filing of the report of the Commissioner to appraise, and upon the determination by the Court of any exceptions thereto, any party may have leave to apply to have the amount of said Stipulation increased or diminished as the Court may direct; and it is

FURTHER ORDERED that the further prosecution of any pending actions, suits or legal proceedings in any Court wheresoever or the institution and prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any Court wheresoever, against the M/V _____ or against Plaintiff, as the owner, operator and/or charterer of the M/V _____ with respect to any claim arising out of or connected with the incident occurring _____ (*facts as pled in Complaint*) thereafter, be and the same hereby are stayed and restrained until the hearing and determination of this proceeding; and it is

FURTHER ORDERED that service of this Order as a Restraining Order within this district be made in the usual manner and in any other district of the United States by service of process pursuant to FRCP 4, of a certified copy of this Order to the person or persons to be restrained, or by mailing first class, postage prepaid a true and correct copy of this Order to their respective attorneys, proctors or representatives.

ORDERED, this _____ day of _____, 20____.

UNITED STATES DISTRICT/MAGISTRATE JUDGE

Submitted by:

Counsel for Plaintiff

FORM NO. 25

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

ORDER FOR NOTICE, FRCP SUPPLEMENTAL F(4)

On the *ore tenus* motion of Plaintiff, _____, appearing through undersigned counsel, and on suggesting to the Court that Plaintiff desires the issuance of notice pursuant to the provisions of FRCP Supplemental F(4);

IT IS ORDERED that notice be given to all persons asserting any claims with respect to the accident occurring on or about _____, when (*facts related to incident*). The incident apparently resulted in damages to _____. The Court further admonishes all such parties to file their respective claims with the Clerk of this Court and to serve on the attorneys of the Plaintiff as listed below, a copy thereon on or before _____, 20_____.

It is further ordered that such notice be published in the _____ once a week for four (4) successive weeks with the last publication being at least thirty (30) days prior to the date fixed hereinabove for the filing of claims.

DONE AT _____, _____, this _____ day of _____, 20_____.

UNITED STATES DISTRICT/MAGISTRATE JUDGE

[FIRM'S NAME & ADDRESS]

BY: _____

FORM NO. 26

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

**NOTICE OF FILING OF COMPLAINT FOR
EXONERATION FROM OR LIMITATION OF LIABILITY, RULE F(4)**

NOTICE IS HEREBY GIVEN that _____ has filed a Complaint pursuant to Title 46, U.S.C. '33501, et seq., and the various statutes, rules and regulations supplemental thereto, and amendatory thereof, claiming the right to exoneration from or limitation of liability for all claims arising out of a casualty or incident occurring on or about _____, 20_____, on *(facts as pled in Complaint)*.

All persons having such claims must file them as provided by FRCP Supplemental Rule F with the Clerk of this Court at _____ and serve on or mail to Plaintiff's attorneys, _____, of [FIRM=S NAME AND ADDRESS], a copy thereof on or before the _____ day of _____, 20_____, or be defaulted.

Personal attendance is not required.

Any claimant desiring to contest the claims of Plaintiff must file an answer to said Complaint, as required by FRCP Supplemental Rule F(4) and (5) and serve or mail the Plaintiff's attorneys a copy thereof.

DATED, this _____ day of _____, 20_____.

_____, CLERK
UNITED STATES DISTRICT COURT

BY: _____, D.C.

FORM NO. 27

IN THE UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI
_____ DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. _____

DEFENDANT

CLAIM

The undersigned claimant, _____, files this claim in response to the Notice of Forfeiture filed by the United States in the above styled cause, and asserts the following under penalty of perjury:

_____, claimant, has an interest in the property alleged to be subject to forfeiture by the United States, more particularly described as _____, which either existed prior to the accrual of the interest asserted by the United States, or was acquired, for value, after the accrual of the interest asserted by the United States without notice to the claimant that the defendant property was subject to forfeiture to the United States.

The claimant's interest in the subject property is more particularly described as follows:

SIGNATURE OF CLAIMANT

A copy of this claim has been served on the attorney designated by the government, in compliance with FRCP Supplemental G(5)(a)(i)(D).

Sworn to and subscribed before me under penalty of perjury, this the ____ day of _____, 20__.

(NOTARY)

FORM NO. 28

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MISSISSIPPI

DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. _____

DEFENDANT

AFFIDAVIT

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally came and appeared:

_____, who, after being duly sworn, did depose and say that:

1. He/she has personally conducted a diligent inquiry in order to determine whether or not the defendant(s) in this action, _____, can be found within this District;
2. He/she has reviewed local telephone directories and called the telephone directory assistance service, searched the Mississippi Secretary of State's official corporate database website, and has conducted a multi-state comprehensive electronic search of all states; and
3. Based upon the results of the inquiries here and above mentioned, to the best of his/her knowledge, information and belief, the defendant cannot be found within the county within the meaning of FRCP Supplemental Rule B.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC

My Commission Expires:
