

Northern District of California –Service of Process Unit Admiralty, Warrants of Arrest in Rem, and Maritime Writs of Attachment

All process, unless received from the court, is to be personally delivered to:

U.S. Marshal Process Service Unit
450 Golden Gate Ave
7th Floor room 5166
San Francisco, CA 94102
Civil Process is accepted from 9:00 AM to 3:30 PM

This information covers the service and execution of Warrants of Arrest in Rem and Maritime Writs of Attachment subject to laws of admiralty in the Northern District of California

Because admiralty falls under federal jurisdiction, the US Marshal will execute the process in accordance with *Federal Rules of Civil Procedure, Supplemental Rules – Admiralty or Maritime Claims*, local rules, and the Orders of the Court.

The property to be arrested or attached must be within the district in which the Warrant or Writ is issued at the time of execution by the Marshal.

PROCESS REQUIRED...

As a minimum, the following process should be provided to the US Marshal: (Optional Process may be included)
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Warrant of Arrest in Rem or Writ of Attachment	Should include (See Local Admiralty Rules 9-1):
<ol style="list-style-type: none"> 1. Authority to move the vessel at the discretion or direction of the harbor master or United States Coast Guard 2. Directions for how to deal with the ship’s crew and other innocent third parties 3. Directions for how to deal with cargo (large vessel) 4. Directions for how to deal with personal property (small vessel) 	
Verified Complaint & Summons	
Order for Substitute Custodian	Should include
<ol style="list-style-type: none"> 1. An affidavit from the custodian stating that custodian has the financial ability or sufficient insurance coverage to ensure that the substitute custodian can respond to any damages or injuries that might result from the negligence of the substitute custodian. ¹ 2. Directions for USMS to transfer custody to custodian. 3. Statement that plaintiff will cover expenses for substitute custodian 4. Statement that expenses of substitute custodian should be considered <i>custodia legis</i> 5. Statement that releases the USMS from all liability and responsibility once vessel is transferred to the substitute custodian 6. Statement that plaintiff is to hold harmless and indemnify the United States and the USMS from any claims while the substitute custodian has possession. 	

¹ Custodian must be bonded or insured for a minimum of 1 million dollars

7. Suggested Statement to allow for repositioning within the district without the need for a separate order from the Court:

Ordered that the Vessel be allowed to move upon notification to the US Marshal and under supervision of the Substitute Custodian to a suitable alternative berth or anchorage within the Northern District of California in order to reduce the costs of keeping the Vessel or otherwise accommodate the orderly business of the Port.

Optional Process that May Be Included:

1. *Application & Order for Issue of Warrant of Arrest in Rem*
2. *Affidavit of Substitute Custodian*
3. Declarations or Documents the Requestor feels appropriate

SUBMISSION FOR SERVICE...

Process should be presorted for service upon the parties in the case. Complete the [USM285](#) and [Instructions to US Marshal](#)

USM285, Receipt & Return of Process (Original plus 2 copies *or* 5-part carbon) and [Instructions](#)

The First USM285 covers Arrest and distribution as follows:

1. Original Warrant of Arrest in Rem (**US Marshal record** -this will be returned to the Court upon Execution) and copies of other process
2. Copy of process for **Service** (Posted) upon the Vessel or Property to be Arrested in Rem
3. Copy of process for the **Master/Occupant** of the Vessel (in no one is aboard this package will be left within the vessel in a conspicuous but safe/dry place.)
4. Copy of process for the **Substitute Custodian**

Please process is sorted into service packets for each party.

A Second USM285 (and service packet) is required for each additional party to be served away from the vessel. This includes any non-occupant owner(s).

Important Notes:

- Each titled document counts as a piece of process therefore the “*No. of Process to Serve*” equals the number of documents in the service packet
- The “*No. of Parties to Serve*” equals the number of USM285s provided. (Vessel Arrest, Master, and Substitute Custodian are together considered one party for this purpose.)
- [An Instruction to US Marshal](#) – **Admiralty form is located on this website to facilitate service instructions. Complete the form (no copies needed) and attach to the USM285.** Enter “See Attached Instructions to US Marshal” in the “*Special Instructions*” section of the USM285.

Deposit	Required at the time of submission. The deposit must be sufficient to cover the following expenses. If funds deposited to cover expenses have been exhausted and the plaintiff refuses to deposit further funds, the Marshal may petition the Court to release the vessel. Fees and Expenses can be found _____ .
<ol style="list-style-type: none"> 1. USMS Hours (number of hours x number of deputy marshals). The number of deputies is determined by the US Marshal based on an assessment of the action. The minimum number of deputies for an arrest is two deputies. The minimum number of deputies for a sale is one. 2. Mileage to the place of arrest 3. Insurance (USMS) 4. Keeper, Storage, & Maintenance Expenses (if a Substitute Custodian is not appointed) 5. Expenses associated with Sale (if so ordered by the Court) 6. Document Preparation (if required) <p>The general deposit schedule is as follows:</p> <ol style="list-style-type: none"> a. \$5000- Vessel under 50' in length (approximately) b. \$10,000 – Larger vessels (over 50'), Container Ships, Cruise Ships and Tankers <ol style="list-style-type: none"> 1. Additional deposit may be necessary depending on circumstances (See local Admiralty Rules 4-6) 2. Plaintiff may request the US Marshal modify the deposit amount. The request must include the reason the modified amount would be sufficient to cover expenses and an agreement to provide additional funds if requested. 	

Arrest/Attachment ...	
<p>Arrest/Attachment:</p> <ul style="list-style-type: none"> • Deputy U.S. Marshals will meet with the Substitute Custodian at or near the location of the vessel or property to be seized. The Deputy In Charge (DIC) may also contact the harbor master or dock master. • Deputy U.S. Marshals will place the vessel under arrest by posting a copy of the Warrant of Arrest in a conspicuous place at the helm or wheelhouse of the vessel. • Deputy U.S. Marshals will provide a copy of the process to the Master of Vessel, ship's agent if present, or occupant and explain that the vessel is under arrest. If no one is present, that packet will be left in a conspicuous but safe place in/on the vessel. 	
<p>Transfer to Substitute Custodian</p> <ul style="list-style-type: none"> • The Deputy in Charge will explain that custody of the vessel is being transferred to a Substitute Custodian and provide a service packet to the Substitute Custodian • USMS and Substitute Custodian will document the transfer on a USM102 (a copy will be provided to the Substitute Custodian) • The Substitute Custodian may brief the Master on any access and accommodation requirements. 	

Return: The US Marshal will make return to the Court on the Warrant/Writ and on the USM285. A copy of the completed USM285 will be provided to the plaintiff.

Release ...

When directed by Court Order due to stipulation, settlement or judgment.

Procedure:

- The Plaintiff will provide a certified copy of the Order of Release (with raised Seal of the Court) and a copy to the US Marshal along with a USM285, Process Receipt and Return.
- The US Marshal will notify the Substitute Custodian and Master that the vessel has been released.
- The Substitute Custodian and Master will annotate on USM102 that the vessel is no longer in custody.

Return: The US Marshal will make return to the Court on the Order and on the USM285. A copy of the completed USM285 will be provided to the plaintiff.

Sale ...

Sale may be conducted by US Marshal or by other party (if the Court Order includes provision for such services.) All sales are considered “by the U.S. Marshal” regardless of who conducts the sale.

Procedure:

- The Plaintiff will provide:
 - a. a certified copy of the Order for (with raised Seal of the Court) and one copy
 - b. a USM285, *Process Receipt and Return*
 - c. Prepared USM-62, *Notice of Sale in Admiralty*
- US Marshal will publish the *Notice of Sale*
- US Marshal will conduct the sale on the date and at the location indicated in the Notice.
- Upon collection of the successful bid, the U.S. Marshal will prepare and distribute all necessary documentation of the sale and transfer of the vessel/property

Return: The US Marshal will make return to the Court on the Order for Sale and on the USM285. A copy of the completed USM285 will be provided to the plaintiff.

USM-285: REQUEST AND INSTRUCTIONS FOR SERVICE OF PROCESS:

Requests for the US Marshal to serve process must be made on the USM285. Requestors can use either of the following versions:

5-part (“carbon”) form: Present the form along with process. Upon request for service, the marshal will acknowledge receipt of the process on the first line of the USMS use space and provide the *Acknowledgement* copy to the requestor. Upon service or failure to serve, the marshal will complete the USM285 and distribute as follows: Original to the clerk of the court, copy to USMS records, copy as notification to the requestor, copy as an invoice for payment or refund to the requestor.

On-line/PDF form: **Present an original and two copies (not five as requested on the form)**. This constitutes a USM285 set. Upon request for service, the marshal will acknowledge receipt of the process on the first line of the USMS space on all copies and provide a copy to the requestor. Upon service or failure to serve, the marshal will complete the USM285 and make/distribute copies as follows: Original to the clerk of the court, copy to USMS records, copy as notification to the requestor, copy as an invoice for payment or refund to the requestor.

Provide one USM285 for each arrest (an arrest includes posting the vessel and serving the master of the vessel.) If more than one USM285 (i.e. more than one arrest in rem) is provided, the Marshal will sign the acknowledgement copy of one of the USM285s and combine it with any other acknowledgement copies and provide that to the requestor. Although any other acknowledgement copies will not have a USMS signature, they will have date/time stamps.

1. **WHEN MUST A USM285 BE SUBMITTED:** The USM285 is a work order as well as invoice for the U.S. Marshal. As such a USM285 must be submitted each time an item is to be served or action initiated by the marshal. As an example:

Warrant of Arrest in Rem/Writ of Attachment:

1. Arrest/Attachment. A single USM285 set covers both the arrest (posting) of the vessel ; the master or ship’s agent or occupant (if present aboard the vessel); and the substitute custodian.
2. Sale of the vessel/property. A USM285 set covers:
 - a. Public posting & advertising
 - b. Notification of interested parties (Service/Mailing information must be provided as part of the instructions
 - c. Sale of the vessel/property.
3. Release of the vessel/property.

Last updated: 18 February 2015