



U.S. Department of Justice

United States Marshals Service
Western District of Washington

PROCEDURES TO ARREST A VESSEL

1. Review Local Rules for U.S. District Court, Western District of Washington, Supplemental Admiralty Rules.
2. File original and one (1) copy of each with the Clerk of the Court for the judge's review:
 - a. Verified complaint.
 - b. Motion for Issuance of Warrant for Arrest.
 - c. Order for Issuance of Warrant for Arrest.
3. Clerk of Court will issue the Warrant for Arrest per order from judge.
4. Deliver the following to the U.S. Marshal's Office:
 - a. One completed Form USM-285 (Process Receipt and Return) for Warrant for Arrest. Be sure to include the name and official number of the vessel; a current location of the vessel including the port, marina, and slip, as appropriate. If there are any specific instructions relating to the arrest, please note them in the appropriate section of the Form USM-285.
 - b. Three (3) copies of the complaint.
 - c. Three (3) certified copies of the Order Authorizing Issuance of Warrant for Arrest.
 - d. The original and three (3) copies of the Warrant for Arrest.
 - e. A deposit of the ten (10) days costs payable to the U.S. Marshal. Costs included are: insurance coverage based on the length and value of the vessel, custodian charges, moorage, towing, etc. The U.S. Marshals will arrange for the placement of a twenty-four (24) hour guard on all arrested vessels unless there is an Order for Substitute Custodian. Western Washington requires a minimum of \$10,000.00 or \$2,000.00 (with Substitute Custodian).
 - f. Manpower limitations and the priority of criminal matters make it advisable to get the required paperwork to this office with as much lead-time as possible. Normally two (2) or three (3) days is sufficient.



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PROCEDURES FOR SUBSTITUTE CUSTODIAN IN LIEU OF GUARDS

1. Review Supplemental Admiralty Rules.
2. Present for approval through judge's docket clerk, the original and one (1) copy of the following:
 - a. Order Substituting Custodian.
 - b. Affidavit from Custodian.
3. The language in the Order and Affidavit must state that the custodian is bonded or insured for a minimum of 1 million dollars. Also, indicate who will be responsible for the payment of the substitute custodian and/or moorage.
4. Deliver the following to the U.S. Marshal's Office:
 - a. One completed Form USM-285 (Process Receipt and Return) for personal service on the person to be appointed as Substitute Custodian. It must include location of the substitute custodian and telephone numbers where the substitute custodian can be contacted at any time. Usually home and business numbers are sufficient.
 - b. Three (3) certified copies of the signed Order for Substitute Custodian and one (1) copy of Affidavit of Substitute Custodian.
5. Please note - The Order of Substitute Custodian must be presented to the U.S. Marshal for agreement. The order must be endorsed by this office before the U.S. District Court will sign it. The order must be accompanied by an affidavit signed by the person to be appointed as the custodian. An affidavit signed by the attorney is not sufficient and will not be accepted by this office.



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PUBLICATION OF ARREST

1. Review Supplemental Admiralty Rules.
2. Publication of the Notice of Arrest can be done 10 days after the actual arrest.
3. Publications are in the Daily Journal of Commerce unless otherwise ordered by the Court. Notice shall be published once.
4. Deliver the following to the U.S. Marshal's Office:
 - a. One completed Form USM-285 (Process Receipt and Return) for publication.
 - b. Three (3) copies of the Notice of Arrest and Seizure to be published. Please insure that all information required by the rules are included and correct.
5. The responsibility for initiating the publication order rests with the attorney bringing the action and this office will not initiate the publication.



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RELEASE OF VESSEL

1. Review Supplemental Admiralty Rules.
2. Release can be accomplished in two (2) ways:
 - a. Order for Release - presented to and signed by the judge.
 - b. Stipulation Between Parties - presented to the Clerk of the Court.
3. Both types of releases, indicating that all the fees and expenses of the U.S. Marshal have been paid or provided, must be endorsed by this office prior to presentation.
4. Deliver the following to the U.S. Marshal's Office:
 - a. One (1) completed Form USM-285 (Process Receipt and Return) for release of vessel.
 - b. Three (3) certified copies of the Order of Release or Stipulation by Parties.



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SALE OF VESSEL

1. Review Supplemental Admiralty Rules.
2. Coordinate date of sale with U.S. Marshal's Office. Vessel sales will be held only on Tuesdays, Wednesdays or Thursdays. Please note that this office must approve the order before it is presented to the Court.
3. Deliver the following to the U.S. Marshal's Office:
 - a. Additional deposit of \$2,000.00.
 - b. One completed Form USM-285 (Process Receipt and Return) for Order of Sale.
 - c. Three certified copies of the Order of Sale.
 - d. Three copies of the Notice of Sale.
4. This office will publish the Notice of Sale and conduct the sale according to the Local Admiralty Rules unless you present an order from the Court with specific instructions that differ from the local rules. Publication will be six (6) consecutive days in the Daily Journal of Commerce.
5. U.S. Marshal's Office recommends that bidding increments be inserted into the Order of Sale.
6. Sales are public and to the highest bidder. Ten percent of the sale price or \$500.00, whichever is greater, is required at the time of the sale and the balance due in three (3) days. Payments to the marshal shall be made by certified check or cashier's check. Other terms or conditions should be by Court order.
7. The sale is automatically confirmed after the third day unless an objection to the sale has been filed per the local rules.
8. A Bill of Sale is issued to the purchaser by this office after confirmation.