

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
_____ Division

"IN ADMIRALTY"

Plaintiff,

v.

CASE NO. _____

Defendant.

MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

Pursuant to Local Admiralty Rule 7.05(k)(3), Plaintiff _____, by and through the undersigned attorney, represents the following:

- (1) On _____, 20____, Plaintiff initiated the above-styled action against the vessel _____, her 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 of this Court.
- (3)(a) Subsequent to the issuance of the Warrant of Arrest, the Marshal will take steps to immediately seize the vessel. Thereafter, continual custody by the Marshal will require the services of at least one custodian at a cost of at least \$_____ per day. (This paragraph would be applicable only when the motion for appointment is filed concurrent with the complaint and application for the warrant of arrest.)

- or -

- (3)(b) Pursuant to the previously issued Warrant of Arrest, the Marshal has already arrested the vessel. Continued custody by the Marshal requires the services of _____ custodians at a cost of at least \$_____ per day. (This paragraph would be applicable in all cases where the Marshal has previously 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 has also agreed to continue to provide these services pending further order of this Court.

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- (5) The substitute custodian has adequate facilities for the care, maintenance and security of the vessel.
- (6) Concurrent with the Court's approval of the Motion for Appointment of the Substitute Custodian, Plaintiff and the Substitute Custodian will file a Consent and Indemnification Agreement in accordance with Local Admiralty Rule 7.05(k)(3)(B).

THEREFORE, in accordance with the representations set forth in this instrument, and subject to the filing of the indemnification agreement noted in paragraph (6) above, Plaintiff requests this Court to enter an order appointing _____ as the Substitute Custodian for the vessel _____.

DATED at _____, Florida, this _____ day of _____, 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
 Facsimile Phone Number (if available)

cc: Counsel of Record
 Substitute Custodian

SPECIAL NOTE

Plaintiff's attorney shall also prepare for the Court's signature and subsequent filing, a proposed order for the Appointment of Substitute Custodian.