

40716 3 2 1 Belden writes from south of Charleston. "Dear Sir, How do you file a maritime lien against a boat for necessary supplies?"

Excellent question, Belden. A Notice of Claim of Lien may be filed by a lien creditor with the U.S. Coast Guard Documentation Office against any documented vessel subject to an unsatisfied ship mortgage. Filing of a Notice of Claim of Lien does not affect the validity or priority of maritime liens, but only entitles the lien creditor to notice of any proceeding to enforce a lien against that vessel.

Belden probes more deeply. "Well, if you don't get one by filing, then how do you get a maritime lien for necessities?"

Insightful question, Belden. A Maritime lien for necessities arises as a matter of law against a vessel in navigation upon provision of necessary supplies to the vessel on the order of her owner or other authorized person. Maritime liens in the amount of the reasonable value of such necessities arise without the creditor's possession of the vessel, without any requirement for perfection of the lien, without public or private notice of the lien, and without any writing or recording.

Belden seeks further clarification. "Well, tell me about it. If a boat is subject to such a maritime curse, how can I overpower that legal hoodoo?"

A good question deserves a good answer, Belden. Maritime liens can be extinguished by payment of the debt, or by complete destruction of the vessel, or by waiver on the part of the lien creditor, or by unreasonable delay in enforcement, or by a true in

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rem sale of the vessel. In the United States a true in rem sale can be conducted only by the U.S. Marshal or her substitute in an action in rem in federal court under Rule C of the Supplemental Admiralty Rules.

Belden writes, "I have one more question. If I bought a boat from Wally and I didn't know it was hexed with maritime liens, what can I do now?"

Good question, Belden. First . . . can you still get your hands on Wally? . . . Better catch him. Unfortunately for you, maritime liens generally are enforced even against innocent purchasers of a vessel without notice of the lien.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.