

SUPPLEMENTAL RULE G

Supplemental Rule G “governs a forfeiture action in rem arising from a federal statute.” Supp. R. G(1). To discharge its notice obligations in a civil asset forfeiture action, the United States must provide notice of the action to any potential claimants. See Supp. R. G(4). Supplemental Rule G(4)(a)(i) relates to notice by a publication by stating:

“A judgment of forfeiture may be entered only if the government has published notice of the action within a reasonable time after filing the complaint or at a time the court orders.”

As provided in Supp. R. G(4)(a)(ii) the notice must contain the following information:

- describe the property with reasonable particularity;
- state the times under Rule G(5) to file a claim and to answer; and
- name the government attorney to be served with the claim and answer.

Supplemental Rule G(4)(b)(ii) relates to notice to known potential claimants by providing:

“The government must send notice of the action and a copy of the complaint to any person who reasonably appears to be a potential claimant on the facts known to the government before the end of the time for filing a claim under Rule G(5)(a)(ii)(B).” Supp. R. G(4)(b).

The notice must state:

- (i) the date the notice is sent;
- (ii) “a deadline for filing a claim, at least 35 days after the notice is sent”;
- (iii) “that an answer or motion under Rule 12 must be filed no later than 21 days after filing the claim”; and
- (iv) “the name of the governmental attorney to be served with the claim and answer.”

SUPPLEMENTAL RULE C

Supplemental Rule C.1 Publication (a) The notice required by Rule C(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure shall be published at least once and shall contain the fact and date of the arrest, the title of the cause, the nature of the action, the amount demanded, the name of the Marshal, and the name and address of the attorney for the plaintiff. The notice shall also contain a statement that any person who asserts a right of possession or any ownership interest in the property that is the subject of the action must file a verified statement of right or interest with the Clerk of Court within ten (10) days of the date of publication, in compliance with Rule C(6) and must serve their answers within twenty (20) days after the filing of their statements of right or interest. The notice shall also state that all interested persons should file statements of right or interest and answers within the times so fixed; otherwise default will be noted and condemnation ordered. (b) When the property remains in the custody of the Marshal, the cause will not be heard until after publication of notice of arrest is made in that cause or in some other pending cause in which the property is held in custody. No final judgment shall be entered ordering the condemnation and sale of the property, not perishable, arrested under process in rem unless publication of notice of arrest in that cause shall have been duly made. L

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