

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION
IN ADMIRALTY

| | | |
|--|---|--------------------------|
| E. Lee Spence, |) | C/A No.: 3:12-280-SB-SVH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| The Abandoned Wreckage, located |) | |
| within a five nautical miles radius of a |) | |
| center point at 33°, North latitude and |) | |
| 79° 14' West longitude, but excluding |) | ORDER |
| any portion of that area and any |) | |
| wreckage located within the three |) | |
| nautical miles limits of the waters of the |) | |
| State of South Carolina, and further |) | |
| excluding any wreckage of any vessels |) | |
| owned by the United States and/or by |) | |
| the State of South Carolina and/or by |) | |
| any foreign government, |) | |
| |) | |
| Defendant. |) | |
| |) | |

On March 1, 2012, the court issued an order authorizing the issuance of a warrant of arrest of defendant the Abandoned Wreckage, located within a five nautical miles radius of a center point at 33°, North latitude and 79° 14' West longitude, but excluding any portion of that area and any wreckage located within the three nautical miles limits of the waters of the State of South Carolina, and further excluding any wreckage of any vessels owned by the United States and/or by the State of South Carolina and/or by any foreign government (“Abandoned Wreckage”). [Entry #19]. Service was effected as to the Abandoned Wreckage on March 8, 2012. [Entry #25].

The rules governing admiralty actions require that notice of an action and arrest of a vessel must be given where the vessel is not released from arrest within ten days of the date of arrest. *See* Rule C(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims. This notice is to be given in a newspaper designated by the court that has a general circulation in the district where the action is pending. *Id.* To date, plaintiff E. Lee Spence (“Plaintiff”) has not moved for service by publication or filed any indication that he has complied with the Rule C(4) notice requirement despite the Abandoned Wreckage being arrested for more than ten days.

For the foregoing reasons, Plaintiff is directed to publish notice of this action and arrest of the Abandoned Wreckage in *The Post and Courier* for three successive days. The notice shall identify the action and arrest and shall specify the procedure for all interested parties as follows:

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
IN ADMIRALTY

E. Lee Spence v. The Abandoned Wreckage, located within a five nautical miles radius of a center point at 33°, North latitude and 79° 14’ West longitude, but excluding any portion of that area and any wreckage located within the three nautical miles limits of the waters of the State of South Carolina, and further excluding any wreckage of any vessels owned by the United States and/or by the State of South Carolina and/or by any foreign government, C/A No.: 3:12-280-SB-SVH

Notice is hereby given that on March 8, 2012, the U.S. Marshal arrested the Abandoned Wreckage identified above including but not necessarily limited to hull material, engines, tackle, apparel, appurtenances, ballast, cargo and passengers’ possessions hereunto appertaining and belonging to her *in rem*, pursuant to a court order and a warrant of arrest issued by the Clerk of Court upon the filing of a verified complaint. Any person having or claiming an interest in or to said property must file a claim with the court within 14 days after the last date of publication of this notice on _____,

2012, and must file an answer to the complaint herein within 30 days thereafter.

[Plaintiff's contact information shall be included here]

Following publication of the foregoing notice, Plaintiff shall obtain and file with the court an affidavit of publication from *The Post and Courier* setting forth a copy of the notice and the dates on which it was published.

The court will suspend ruling on Plaintiff's motion for summary judgment [Entry #28] until at least 14 days after Plaintiff files an affidavit of publication, thereby allowing sufficient time for interested parties to file claims.

IT IS SO ORDERED.



August 9, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge