



# Getting Rid of the Dead Wood

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The material provided in this newsletter is intended to be used as general information and should not replace the advice of your attorney.



# Two Courses of Action

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graph TD; A[Two Courses of Action] --> B[Abandoned Vessel]; A --> C[Not Abandoned Vessel];
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Abandoned Vessel

NJSA 12:7C-7

Not Abandoned Vessel

NJSA 2A:44-57

- Has the applicant received any response to his registered abandoned vessel notice?
- The vessel is not subject of any court action in which ownership or unpaid storage and/or repair bills are in dispute.

MVC Abandoned Unit  
Phone: (609) 292-6500  
Fax: (609) 777-0361

# Not Abandoned Vessel

## NJSA 2A:44-57

### Civil and Criminal Justice Liens

- Vessel owner's debt shall be a continuous lien for:
  - Labor or Materials
  - Supplies, provisions and stores
  - Towing, wharfage and dry docking
- This lien shall be preferred to all other liens except mariner's wages
- This lien can be enforced in the Supreme Court
- Lien claimant shall be entitled to the process of attachment
- The court may order a sale of the vessel

Small Claims Court > \$3,000

Special Civil Part > \$15,000

[www.judiciary.state.nj.us/forms](http://www.judiciary.state.nj.us/forms)

# November 5, 2008 Changes to the Old Law Abandoned Vessels Disposition Law NJSA 12:7C-7

## Highlights

1. Abandoned or Sunken Vessels Disposition Law
2. "Vessel" includes any trailer
3. Impound vessel after 7 days
  - Remove the vessel
  - Store the vessel
  - Seize registration certificate and registration plates
  - Vessel owner is responsible for the costs
4. \$1000 / day civil penalty for abandonment without consent of official
5. 30 day presumption of abandonment. After 30 days follow MVC's 9-step process to acquire title.
6. Applicant for new title pays all of these costs. A municipality or harbor official can seek to recover these costs from owner.
7. After new title is obtained by applicant, the previous vessel owner may remain liable for removal of the vessel or the destruction of the vessel.
8. If applicant fraudulently attempts to acquire title – civil penalty of \$1000

# MVC Procedure to Obtain Title to an Abandoned Vessel

1. Verify Registered Owner's Name
2. Verify Lien Holder's Name
3. Notice to Owner
4. Publication of Notice
5. Apply for Title
6. MVC Issues New Title
7. Dispose of Vessel
8. Report to MVC



# Verify Registered Owner's Name

1. Request that MVC furnish the registered owner's name and address. If in the following states, the applicant shall furnish such information in writing to that state:
  - Connecticut
  - Delaware
  - Maryland
  - New York
  - Pennsylvania

# Verify Lien Holder's Name

- Secretary of State, Division of Commercial Recording
- County Recording Officer of the county in which the registered owner resides
- The applicant shall also write the Motor Vehicle Commission, Attn: Special Titles, P.O. Box 017, Trenton, NJ 08666-0017, and request a lien certificate
- Lien holder may reclaim vessel without payment of storage fee, but must pay costs of removal

# Notice to Owner

- The applicant shall notify the vessel owner and any secured party.
- Use MVC form letter # OS/SS-64



# Publication of Notice

- The notice and newspaper notification shall contain no statements conditioning the release of the vessel upon the payment of overdue repair or storage costs incurred with respect to the vessel.

# Apply for Title

At the end of the 30 day period prescribed in this section, the applicant may apply to the Commission for title to the vessel

If the applicant is unable to certify (1), (2), and (3), he may not acquire title to the vessel under the provisions of these rules. The applicant must, instead, pursue other remedies provided by law.

The applicant shall certify that:

- a) The vessel has remained moored, grounded or otherwise attached or fastened to or upon his property for a period of more than ~~six months~~ 30 days and has been abandoned.
- b) He has not received any response to his registered ABANDONED VESSEL NOTICE(S) sent to the vessel owner and lienholder (if applicable) and that he has no knowledge of their disputing his right to acquire title to the vessel.
- c) To the best of his knowledge, the vessel is not the subject of any court action in which ownership or unpaid storage and/or repair bills are in dispute.

# MVC Issues New Title

- The Motor Vehicle Commission may issue the applicant title to the vessel in the form of a Certificate of Ownership.

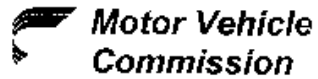


# Dispose of Vessel

- After receiving title, to remove an abandoned vessel or to destroy such vessel, the removal costs shall be borne by the previous owner of said vessel. To recover such costs, the new owner may institute suit against the previous owner.

# Report to MVC

- The new owner shall report details thereof in writing



**APPLICATION FOR CERTIFICATE OF VESSEL OR HULL OWNERSHIP**

The Boat Ownership Certificate Act requires that vessels and hulls shall be titled. These articles are defined as follows.

- 1. Vessel means a boat or watercraft, other than a sea plane, used or capable of being used as a means of transportation on the water.
- 2. Hull means a vessel exclusive of all means of propulsion.
- 3. For the purpose of this act, all vessels more than 12 feet in length must be titled.

**INSTRUCTIONS—PLEASE READ CAREFULLY**

- 1. Owner or purchaser should submit any supporting documents as proof of ownership.
- 2. This form should be completed by the owner of a vessel or hull purchased prior to the effective date of the Boat Ownership Certificate Act, or purchased out of state, who does not have a Manufacturers Certificate of Origin or a Certificate of Ownership.
- 3. Please type or print clearly.

OWNERSHIP	DATE OF PURCHASE	CITY	COUNTY	STATE	
	NAME OF THE VESSEL	MANUFACTURERS MODEL NUMBER			
	PLANT	COUNTRY OF ORIGIN	YEAR	MAKE	
VESSEL	HULL OR VESSEL IDENTIFICATION NUMBER				
	ADDRESS	CITY	STATE	ZIP CODE	
	TYPE OF VESSEL	LENGTH	MAXIMUM HORSEPOWER	TYPE OF HULL	
DOCUMENT	TYPE OF DOCUMENT	ISSUE DATE	ISSUE NUMBER	ISSUE STATE	
	TYPE OF VESSEL	TYPE OF HULL	TYPE OF HULL	TYPE OF HULL	

I, the undersigned, hereby apply for Certificate of Ownership for the Vessel or Hull described above, and certify that the statements on this application are correct and true.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE





**New Jersey  
Motor Vehicle Commission**

**APPLICATION FOR TITLE TO AN ABANDONED VESSEL**

*Date of Application* \_\_\_\_\_

In accordance with the provisions of N.J.S.A. 12:2C-7, et seq., and rules of the Chief Administrator of the Motor Vehicle Commission, I \_\_\_\_\_  
*First, Middle, and Last Name*

residing at \_\_\_\_\_  
*Complete Mailing Address*

certify that:

**1. VESSEL IDENTIFICATION**

The vessel \_\_\_\_\_  
*Name, if any* *Hull Number*

\_\_\_\_\_ *State Boat Registration Number* \_\_\_\_\_ *U.S. Coast Guard Documentation Number, if any*

\_\_\_\_\_ *Make* \_\_\_\_\_ *Year* \_\_\_\_\_ *Length* \_\_\_\_\_ *Hull Material*

\_\_\_\_\_ *Type (cabin, open, etc.)* \_\_\_\_\_ *Fuel Used (gasoline/diesel, etc.)*

has been abandoned in the water adjacent to or upon property I own or control the use of as a lessee or agent of the landowner at: \_\_\_\_\_  
*Insert Full Address*

**2. LENGTH OF ABANDONMENT**

The vessel described above has been abandoned at the above location without my permission since

\_\_\_\_\_ a period of more than six months preceding the date of this application.  
*Date*

(Marine owners refer to Commission rules for computing the six month period.)

(Attach copy of contract and/or repair-storage bill(s).)

**CERTIFICATE OF SEARCH**

(1) I, \_\_\_\_\_, am duly authorized to search the official records and to make this certification.

(2) I have checked the lien books for a lien or liens on a

\_\_\_\_\_  
(Full description of boat)

\_\_\_\_\_  
(Owner's full address)

and I do hereby certify that:

(Check One)

A. \_\_\_\_\_ There are no lienholders of record on the vessel in question owned by

\_\_\_\_\_  
Owner's Name

B. \_\_\_\_\_ There are lienholders on this vessel owned by

\_\_\_\_\_  
Owner's Name

and their names and addresses are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn before me

\_\_\_\_\_  
Signature

this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Print Full Name and Date

\_\_\_\_\_, 20\_\_\_\_



**MOTOR VEHICLE  
COMMISSION**

Special Title Unit  
P.O. Box 917  
Trenton, New Jersey 08646-0917

**LIEN SEARCH**

All requests for LIEN Searches must be submitted on form DO-22 (R12/05). One record search per form. This form may be photocopied for your convenience, but photocopy must be two-sided and reproduced on YELLOW paper. No other form of request will be accepted. A \$5.00 fee must accompany request form. Make check or money order (DO NOT SEND CASH) payable to the New Jersey Motor Vehicle Commission.



**(PLEASE PRINT)**

**ALL SECTIONS OF THIS APPLICATION MUST BE COMPLETED TO OBTAIN INFORMATION**

Individual Name: \_\_\_\_\_ Your Claim or File Number: \_\_\_\_\_

Business Name \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

REQUESTER DRIVER LICENSE NUMBER: \_\_\_\_\_

(PHOTOCOPY OF LICENSE MUST BE INCLUDED)

In order to obtain a title record, the "Drivers' Privacy Protection Act" requires that you state your reason for requesting the record. N.J.S.A. 39:2-3.4(b).

I am requesting this title record because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am requesting the title record for:

Make: \_\_\_\_\_ Year: \_\_\_\_\_ Fee: \$5.00

Vehicle Identification Number (VIN): \_\_\_\_\_

The disclosure and use of the personal information contained in the record you have requested is governed by the "Drivers' Privacy Protection Act" N.J.S.A. 39:2-3.3 et seq. The "Drivers' Privacy Protection Act" provides that a person who knowingly obtains or discloses personal information from a motor vehicle record for any use not permitted by the Act is guilty of a crime of the fourth degree, and can be held liable in a civil action in the Superior Court to the individual to whom the information pertains, including an award of actual damages, punitive damages, and reasonable attorney's fees and litigation costs. The definition of "personal information" and the uses of this information permitted by the act are reproduced on the back of this form.

I have read and I understand the above paragraph, as well as the definition of "personal information" and the permitted uses of personal information reproduced on the back of this form. I agree to use the personal information contained in the record I am requesting only as permitted by the Act.

I hereby certify that all the foregoing statements are true to the best of my knowledge. I understand that if any of the statements are willfully false, I am subject to punishment.

Date: \_\_\_\_\_

**SIGNATURE OF REQUESTER**  
(Original Signature Only - Signature Stamp Unacceptable)





**New Jersey  
Motor Vehicle Commission**

Trenton, New Jersey 08606-0100

STATE OF NEW JERSEY

Jon S. Corzine  
Governor

Sharon A. Harrington  
Chief Administrator

March 11, 2009

Giordano, Halleran & Ciesla  
ATTN: Mr. Steven J. Corodenius  
Post Office Box 190  
Middletown, NJ 07748

RE: NJ Motor Vehicle Commission  
Special Titles Unit  
Abandoned Vessel Notice, OS/SS-64

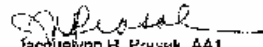
Dear Mr. Corodenius,

This letter is in response to your written request addressed to Sharon A. Harrington's office concerning the Abandoned Vessel Notice, OS/SS-64.

While this application is being revised and printed, our customers can still utilize the current form "Abandoned Vessel Notice"; even though the form states "six months" instead of reading thirty days. The Special Title Unit has been informed of the changes to N.J.S.A. 12:7c-7, et seq., and the paperwork will be processed accordingly.

Thank you for your patience in this matter and I apologize for any inconvenience.

Sincerely,

  
Jacquelyn H. Prusak, AA1  
Management Operation Services

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