

Your boat needs care and attention, even in tough times. But you may fall behind, or be unable to pay the bills for repairs, bottom painting, towage, slip fees or other necessities. And as a tough economy has made it difficult



to maintain your home mortgage and business expenses, maybe you've let bills for services to your boat go delinquent. So, imagine your shock and dismay when you receive a document several weeks later announcing that your boat will be put up for public auction, perhaps in as little as ten days. YOUR BOAT!! Sold at auction in ten days!

Or maybe you've already received a notice?

Your mind will fill with questions---How do I contest the lien? Can I get my boat back? What can be done to stop the auction?

Only preferred ship mortgage liens **must** be filed with the [USCG National Vessel Documentation Center](#). All others **may** be filed, but are not required to be registered. Maryland

law operates to impose a lien on your boat whenever someone is hired to provide services or materials to maintain, run, or repair the vessel. Nothing has to be filed, the lien just exists if the service or material is provided and you fail to pay. This is very different from liens on land and houses, which arise from items recorded in land records and the courthouse. Maryland's land records system has no companion "sea records" recording system.

Your boat can be subject to liens for state and federal taxes, UCC filings, storage, repairs, supplies, crew wages, salvage, and fuel. In one famous old case, a very large vessel was subject to a maritime lien for a case of the Captain's wine!

Different types of liens have different statutes of limitations. Some are as short as six months, or two years. And some become unenforceable if a third-party buys your boat without notice of a pending lien.

But if you continue to own your boat, you remain at risk. And you may someday receive a notice that declares YOUR BOAT will be auctioned within ten days. That's right, if you miss the notices published in the newspapers, your first notice of the potential auction of

YOUR BOAT may be no later than **ten days before the auction!**

Fortunately, the Maryland Court Rules contains a powerful tool to stop the slide to lien foreclosure sale. It is called [Replevin](#).

You regain control by filing a replevin action in the [District Court of Maryland](#). It doesn't matter how big or small your boat may be, the District Court has jurisdiction over all replevin cases. A properly filed replevin case forces a hearing, usually within three weeks of filing the papers, to determine what can be done with the vessel pending trial. You may have to post some sort of security, but you can get control of your boat!

The case will then be set for a trial. You will then have the opportunity to contest the basis for the lien, such as whether the goods and services were actually provided, or were provided in good order.

And, as with all court cases, the passage of time and a schedule of events will provide many opportunities for you to settle the claim in a way that keeps you cruising or working the Chesapeake Bay!

And that's the "hull" truth.