

**SAMPLE
ABANDONED VESSEL AFFIDAVIT**

CAUTION:

THIS IS A SAMPLE AFFIDAVIT ONLY PROVIDED AS A COURTESY TO MEMBERS OF THE MASSACHUSETTS MARINE TRADES ASSOCIATION. THIS DOCUMENT MUST BE CAREFULLY TAILORED TO SUIT THE INDIVIDUAL FACTS. USE OF OR REFERENCE TO THIS SAMPLE NOTICE DOES NOT CONSTITUTE LEGAL ADVICE OR CERTAINTY THAT ALL LEGAL REQUIREMENTS HAVE OR WILL BE MET.

IF IN DOUBT, CONSULT YOUR OWN LEGAL COUNSEL WITH SPECIFIC FACTS AND QUESTIONS.

AFFIDAVIT OF [NAME]

I, _____, having been duly sworn, hereby state:

1. I am the [Title] of [Marina Inc. or Name of entity seeking Abandoned Vessel title] which is located at [entity full Address in Massachusetts].
2. [Marina, Inc.] stored [and worked on] a vessel called [Vessel Name] which was known to us to be owned by [Name.]
3. [Marina, Inc.] has not been paid overdue charges for the vessel. The owner owes [Marina, Inc.] \$ [Amount] pursuant to the attached documentation. See Exhibit "A" attached hereto.
4. [Marina, Inc.] contacted the Commonwealth's boat registration division and confirmed all owners of record and any recorded lien holders for the vessel.
5. In accordance with M.G.L. c. 255 sec. 17, as amended by Chapter 23 of the Acts and Resolves of 2008, [Marina, Inc.] has done the following:
 - (a.) Sent a notice to owner of record by certified mail at last known address to any owner(s) of record, and any recorded lienholder(s). A copy of the notice is attached hereto as Exhibit "B" and includes the amount of the lien and any proposed disposition or sale of the vessel; and
 - (b.) Published a notice of the lien including a description of the vessel, a description of where the vessel is located and a proposed disposition or sale in a newspaper of general circulation in the city or town of the last known address of each owner of record and each recorded lien holder for three consecutive days; and
 - (c.) No response or reply was received from any owner of record or record lien holder within 90 days after the date of publication indicating an ability to satisfy the debt. See Exhibit "C" attached hereto for a legible copy of the newspaper notice(s).

6. The boat will be disposed of through [auction or public sale or other disposal, including demolition and disposal. Specify which, and on or after what date.]
7. Exhibits A through C attached hereto are true and accurate copies of the documents identified above.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS [__ TH DAY OF MONTH/YEAR]

On behalf of [Marina, Inc], Lien holder:

Title: _____

Printed Name: _____

MARINA ADDRESS:

_____, ss Commonwealth of Massachusetts

Then appeared before me the above named [Signatory, identified to me through [Identification Type] and acknowledged that the foregoing to be [his/her] free act and deed this [__ day of _____, 200_.

Notary Public:

My Commission Expires: _____