

§ 274.10

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(2) State the time and place of seizure;

(3) State that the seized conveyance is subject to forfeiture except as provided in §274.5(b) of this part;

(4) State that the Service is considering forfeiture of the seized conveyance and sale or other disposal, if declared forfeited; and

(5) State that any prospective petitioners for relief from forfeiture should submit their petitions pursuant to §§274.13, 274.14, 274.15, 274.16, and 274.17 of this part within 30 days of publication of the advertisement.

[53 FR 43187, Oct. 26, 1988, as amended at 56 FR 8686, Mar. 1, 1991]

§274.10 Judicial forfeiture proceedings upon claim and bond.

(a) Any person claiming ownership of a seized conveyance with an appraised value that does not exceed the monetary amount set forth in title 19 U.S.C. 1607, may obtain judicial forfeiture proceedings in United States District Court by filing a claim and a bond as follows:

(1) The claim must set forth the basis of the claimed ownership and allege why the conveyance was not subject to seizure;

(2) The claim must be filed in the office specified in the notice and the advertisement as provided in §274.8 and §274.9 of this part within 20 days of the date of first publication of the advertisement;

(3) The claim must be accompanied by a bond in the amount of the lesser of \$5,000 or ten percent of the appraised value of the seized conveyance, but in no event less than \$250, in the form of cash or certified check; and

(4) If the bond is in the form of a check, it must be drawn payable to the Department of Justice. The costs and expenses of the judicial forfeiture proceedings will be paid from the bond, following completion of the proceedings. Any balance remaining shall be returned to the claimant.

(b) The regional commissioner may waive the bond requirement in the manner provided in §103.7(c)(1) of this chapter.

(c) The filing of a claim and a bond does not entitle the claimant to possession of the conveyance.

[53 FR 43187, Oct. 26, 1988, as amended at 56 FR 8686, Mar. 1, 1991]

§274.11 Administrative forfeiture.

If the appraised value of a seized conveyance does not exceed the monetary amount set forth in title 19 U.S.C. 1607, and a claim and a bond are not filed within 20 days of the date of first publication of the advertisement as provided in §274.9 of this part, the regional commissioner may declare the seized conveyance forfeited. The regional commissioner shall execute the declaration of forfeiture. The custodian shall dispose of the forfeited conveyance as provided in §274.3 of this part.

[53 FR 43187, Oct. 26, 1988, as amended at 56 FR 8686, Mar. 1, 1991]

§274.12 Judicial forfeiture.

If the appraised value of a seized conveyance exceeds the monetary amount set forth in title 19 U.S.C. 1607, or a claim and a bond have been filed for a seized conveyance with an appraised value that does not exceed the monetary amount set forth in title 19 U.S.C. 1607, as provided in §274.10(a) of this part, the regional commissioner shall transmit the claim and bond, as well as a copy of the advertisement as provided in §274.9 of this part and a complete statement of the facts and circumstances surrounding the seizure to the United States Attorney for the federal judicial district in which the conveyance was seized for commencement of judicial forfeiture proceedings pursuant to section 274(b) of the Act and this part.

[53 FR 43187, Oct. 26, 1988, as amended at 56 FR 8686, Mar. 1, 1991]

§274.13 Petitions for relief from forfeiture; filing.

(a) Any person having a property interest in any seized conveyance may file a petition for relief from forfeiture. A petition must comply with the provisions of this section and §§274.14, 274.15, 274.16, and 274.17 of this part and be filed with the regional commissioner if