

**§ 67.255**

**§ 67.255 Restrictions on filing and recording.**

A notice of claim of lien is not entitled to filing and recording unless the vessel against which the lien is claimed is covered by a preferred mortgage filed or recorded in accordance with subpart Q of this part or predecessor regulations thereto and which is outstanding at the time the lien is filed and recorded.

**§ 67.257 Requirements for assignments of notices of claim of lien.**

An assignment of a notice of claim of lien must:

- (a) Be signed by or on behalf of each original claimant or last assignee of record; and
- (b) Recite the following:
  - (1) The name and address of each claimant; and
  - (2) The name and address of each assignee and the interest in the claim being assigned.

**§ 67.259 Requirements for amendments to notice of claim of lien.**

An amendment to notice of claim of lien presented for filing and recording must:

- (a) Be signed by or on behalf of each original claimant or last assignee of record; and
- (b) Recite the nature of the change being effected by the instrument.

**Subpart S—Removal of Encumbrances**

**§ 67.261 General requirements.**

The filing of an instrument against a vessel in accordance with subparts Q or R of this part may be terminated and, if recorded, removed from the record of that vessel by the filing of:

- (a) A court order, affidavit, or Declaration of Forfeiture described in § 67.263; or
- (b) A satisfaction or release instrument described in § 67.265 which meets the requirements of this part for filing and recording.

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**§ 67.263 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.**

The encumbrances described in subparts Q and R of this part are removed from the record upon filing of:

- (a) A copy of the order from a court of competent jurisdiction certified by an official of the court declaring title to the vessel to be free and clear, or declaring the encumbrance to be of no effect, or ordering the removal of the encumbrance from the record;
- (b) A copy of the order from a Federal District Court in an *in rem* action certified by an official of the court requiring the free and clear sale of the vessel at a Marshal's sale and, where issued under local judicial procedures, a copy of the order confirming such sale certified by an official of the court;
- (c) A copy of an order from a Federal District Court certified by an official of the court declaring the vessel itself or the proceeds of its sale to be forfeited to the Federal Government of the United States for a breach of its laws; or
- (d) Where the vessel was forfeited under an administrative forfeiture action to the Federal Government of the United States, either an affidavit from an officer of the agency which performed the forfeiture, who has personal knowledge of the particulars of the vessel's forfeiture, or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

**§ 67.265 Requirements for instruments evidencing satisfaction or release.**

An instrument satisfying or releasing a mortgage, a notice of claim of lien, or a preferred mortgage presented for filing and recording must:

- (a) Meet all the requirements of subpart O of this part;
- (b) Be signed by or on behalf of:
  - (1) Each mortgagee if a mortgage; or
  - (2) Each claimant if a notice of claim of lien; and
- (c) Recite the following:
  - (1) The name of each mortgagor, if any, and the name of each mortgagee or claimant;
  - (2) The amount of the mortgage or claim of lien; and