



NOTICE OF INTENT TO OBTAIN CUSTODY

VESSEL “Sativa” with Washington Registration WN 7412 JB

The Port of Kingston (POK) declared the vessel “Sativa”, a Bayliner Buccaneer Sailboat, with Washington registration # WN 7412JB, an emergency because it meets the criteria for temporary possession described under RCW 79.100.040(3). The Port of Kingston took temporary possession of the vessel on November 28, 2012, and had it towed from a mooring anchor in Appletree Cove into guest moorage at the Port of Kingston, Kitsap County, in order to prevent it from sinking, breaking up or posing a threat to human health and safety or the environment. The vessel is now located in guest moorage at the Port of Kingston.

POK, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take formal and full custody of the vessel on **January 7, 2013**. After taking custody of the vessel, POK may use or dispose of it without further notice to the owner.

In order to keep the vessel, before the Custody Date, the owner must:

- Pay the costs associated with its tow and pump out, assistance to remove hazardous debris, accrued storage fees incurred to date, **and** any associated costs that require port staff to maintain seaworthiness.
- Move the vessel to an anchorage area or moorage facility that authorizes the vessel and provide POK with proof that they have a legal boat moorage/storage location.

To redeem the vessel after POK has taken custody, per RCW 79.100.120(3)b and 53.08.320(5)(b), the owner must begin a lawsuit to contest POK’s decision to obtain custody of the vessel, or the amount of reimbursement owed, in the Superior Court of the county in which the vessel was located. The owner may submit the written request immediately but can file it no later than **January 17, 2013**. **The owner waives the right to a hearing if the Court does not receive an appeal on or before the Appeal Date. The owner is then liable for any costs incurred by POK in responding to the vessel.**

These costs may include all administrative costs incurred by Port of Kingston, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. If there is a lawsuit, the successful party may receive reasonable attorneys’ fees and costs. Port of Kingston reserves the right to pursue any other remedies available under law.

For more information, contact Kevin Van Vliet at the Port of Kingston at 360 297-3545 or kevinv@portofkingston.org