6-18/100.00 Issuance of Writ of Attachment

A writ of attachment for a vessel may be issued at the time the summons is issued or any time thereafter. The procedure for issuance is the same as for ex parte writs under the general attachment law (CCP 485.010 et seq.) except there is no requirement to show that great or irreparable injury would result if the writ were not immediately issued. (HNC 495.1)

The writ shall be directed to the sheriff of the county within which the vessel lies, or the marshal of the court, and direct him or her to attach the vessel, with its tackle, appurtenances, appliances, furnishings, and furniture, and keep the same in his or her custody until discharged in due course of law. (HNC 495.3)

A writ issued under this section is a special writ and must limit the authority of the levying officer to seize only the vessel with its tackle, etc. A writ issued against a vessel which allowed other property to be seized would be improper under this section and, consequently, irregular. (Jensen v. Dorr, 157 CA 437)

A right to attach order or writ of attachment may be issued in a case where a defendant has failed to pay a debt underlying the attachment and he or she is insolvent in the sense that the defendant is not paying his or her debts as they become due.