

### **Rule 71.1-I. Proceedings for Forfeiture of Property**

(a) **LIBEL OF INFORMATION.** In all cases involving forfeiture of property for violation of any provision of the D.C. Code, the cause, unless otherwise provided by statute, must be commenced by the filing of a libel of information that alleges:

- (1) a description of the property seized;
- (2) the date and place of the seizure;
- (3) the person or persons from whom the property was seized; and
- (4) the property was used, or was to be used, in violation of the D.C. Code, specifying the applicable section(s).

(b) **PROCESS.** Process must be issued only on the court's order. The order must direct:

- (1) the issuance of a warrant of arrest with a return date addressed to the Chief of the Metropolitan Police Department or the Chief's designee directing the Metropolitan Police Department to seize the property described in the libel of information;
- (2) the Metropolitan Police Department, upon seizure, to publish public notice of the seizure and of the time assigned for return of the process:

(A) in a legal newspaper or periodical of daily circulation as prescribed in Rule 4-I; and

(B) in any other newspaper or periodical specifically designated by the court.

(c) **RETURN OF PROCESS.** The date of return of process must be at least 21 days from the date of publication. Publication must be provided by an affidavit of an officer or agent of the publisher stating the dates of publication with an attached copy of the order as published.

(d) **COPIES.** The libellant must send a copy of the libel of information and of the warrant issued by first class mail to:

- (1) any lienholder of record;
- (2) any person who has made written claim to the res to the office of the Attorney General of the District of Columbia; and
- (3) any other person who is known or in the exercise of reasonable diligence should be known to the Attorney General to have a right of claim to the res, at the person's last known address. The envelope containing this material must be marked "please forward to addressee."

(e) **DEFAULT.** If no answer or claim is filed upon the return of the process, a default decree of forfeiture must be entered against the property, and the court must order the condemnation and forfeiture of the property.

(f) **INTERVENTION.** The procedures in Rule 24 govern where there is a right to intervene in a forfeiture action. However, if all parties consent to the motion to intervene, the court must grant the motion without formal hearing.

(g) **OTHER MATTERS.** The Superior Court Rules of Civil Procedure govern actions for the forfeiture of property not set forth in this rule.

### **COMMENT TO 2017 AMENDMENTS**

Former Rule 71A-I has been redesignated as Rule 71.1-I based on the redesignation of former Rule 71A as Rule 71.1. Also, stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.

The provisions regarding the authority of the District of Columbia to acquire property by eminent domain are now found in D.C. Code §§ 16-1311 to -1337 (2012 Repl.).

#### COMMENT

The authority of the District of Columbia to acquire property by eminent domain is found in Section 16-311 et seq. D.C. Code 1967 Edition (transferred to Superior Court by Section 11-921 (a)(3)(A)(ii) page 12 Public Law 91-358) and by Section 7-202 et seq. D.C. Code 1967 Edition (transferred to Superior Court by Section 155 (c)(1)(A) page 98 Public Law 91-358).

The practice of eminent domain in the District Court has followed these statutory requirements as implemented by the Federal Rules of Civil Procedure. Thus, in adapting Federal Rule 71A to use by the Superior Court, only minor editorial changes have been made in the language of that Rule.