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|  | **REPUBLIC OF THE MARSHALL ISLANDS**  **MARITIME ADMINISTRATOR** |

**Memorandum of Particulars Instructions - Notice of Foreign Ship Mortgage**

* **Name of Vessel(s)** – Must be stated and match the records of the Republic of the Marshall Islands Maritime Administrator.
* **Foreign State of Registration** – Name of underlying flag that the mortgage is currently recorded in must be stated.
* **RMI Official Number or IMO Number** –Must be stated and match the records of the Republic of the Marshall Islands Maritime Administrator.
* **Mortgagor Name** – The full mortgagor name must be stated uniformly through all documents including punctuation and special characters.
* **Mortgagee Name** – The full mortgagee name must be stated uniformly through all documents including punctuation and special characters. A mortgagee which acts for multiple lenders may be identified as a ‘Trustee’, a ‘Security Trustee’ or an ‘Agent’ etc. If specified this should match within the Mortgage.
* **Bareboat Charterer’s Name(s)** – The full charterer name must be stated and match the records of the Republic of the Marshall Islands Maritime Administrator.
* **Description of Foreign Ship Mortgage** – Type of instrument must be stated, i.e. First Preferred Mortgage.
* **Date of Instrument** – The instrument is usually dated on the same day or prior to the date of the Notice of Foreign Ship Mortgage recordation.
* **Recording details in Foreign State’s Register** –Details of the instrument recorded in the underlying flag must be stated i.e. recordation date, time and reference number. These must match the records in the Certificate of Liens issued by the underlying flag.
* **Other Particulars to be noted** - Must include Date of Maturity and optional insertion of any further details the parties wish to be noted on the records of the Republic of the Marshall Islands Maritime Administrator i.e. total amount.
* **Proof of Due Execution** – The Notice of Foreign Ship Mortgage (MOP-D) must be duly executed (signed and dated) by the person authorized to do so under the authority provided and notarized by Notary Public or acknowledged by a Republic of the Marshall Islands Special Agent or Deputy Commissioner. Consularization is never required when recording an RMI instrument.
* **Intended Effect of the Instrument** – This must be stated and can be as brief or as in depth as required.

## **Contents of Recordable Instruments**

* **English Language** – All documents recorded under the provisions of the Maritime Act are required to be in the English languagewith the sole exception financing charters recorded pursuant to the bareboat registry provisions of Section 264 of the [Maritime Act](https://www.register-iri.com/forms/upload/MI-107.pdf). In that case, only the cover page and execution page(s) need to be translated into English.

## **Certificate of Ownership and Encumbrance**

Recordation of instrument entitles the parties, where appropriate, to receive a Certificate of Ownership and Encumbrance (COE) and a Certified Extract of the Preferred Mortgage Index as official evidence of recordation (See Section 307 of the Maritime Act).

Recordation Text – the COE will use the following information ONLY and will use the text exactly as it appears on the MOP:

* + Type of Instrument
  + Date of Instrument
  + Parties to the Instrument
  + Recording details in Foreign State’s Ship Register
  + Other Particulars
  + Date, Time & Location of Recordation
  + Recordation Book Page number

If any further information is required to appear within the recordation text, the Republic of the Marshall Islands Maritime Administrator must be advised the same prior to the recordation.

**Disclaimer**

Neither the Republic of the Marshall Islands Maritime Administrator ("Administrator") nor International Registries, Inc. and its subsidiaries and affiliates (“IRI”), nor any of their subsidiaries, affiliates, agents, or representatives (the “Representatives”) offer or provide legal advice. Any review and/or comments regarding a document to be filed with the Administrator are only for administrative purposes and are only to verify that the document contains the information required for filing purposes.

Accordingly, neither the Administrator, nor IRI, nor the Representatives proofread drafts and no comments provided by the Administrator, IRI, or the Representatives constitute legal advice relating to the validity, enforceability, or otherwise of a document.

**MEMORANDUM OF PARTICULARS**

**NOTICE OF FOREIGN SHIP MORTGAGE**

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| **Required Information** | **Response** |
| **Name of Vessel** | VESSEL A |
| **Foreign State of Registration** | Germany |
| **RMI Official Number or IMO Number** | 9123456 |
| **Mortgagor’s Name(s)** | A Shipping Ltd. |
| **Mortgagee’s Name(s)** | [Bank A Ltd.] [Bank A Ltd. as security agent] |
| **Bareboat Charterer’s Name(s)** | Charterer B Ltd. |
| **Description of Foreign Ship Mortgage** | [First] Preferred Ship Mortgage |
| **Date of Instrument** | 20 February 2020 |
| **Recording details in Foreign State’s Ship Register** | [Recorded at the Hamburg Shipping Register on 20 February 2020 at 09:15 A.M. E.S.T. in Book 22.] |
| **Other Particulars to be noted[[1]](#footnote-1)** | Date of maturity is 31st December 2025. The mortgage secures the amount of US$25,000,000 (Twenty Five Million United States Dollars) plus interest and performance of mortgage covenants. |
| **Proof of Due Execution**  **(Indicate whether execution is verified by MI Special Agent/ Deputy Commissioner or Notarial Acknowledgment)** | Special Agent Acknowledged |
| **Intended Effect of the Instrument** | [To record a Notice of Foreign Mortgage over the vessel.] |
| **For and on behalf of**  By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name:  Title: | |

**Proof of Due Execution:**

REPUBLIC OF THE MARSHALL ISLANDS ACKNOWLEDGEMENT

On this \_\_     \_\_ day of\_\_\_\_     \_\_\_\_20\_  \_\_, before me personally appeared\_\_\_           \_\_, to me known, who being by me duly sworn, deposes and says that [**he/she**] resides at:

\_\_\_\_\_\_\_\_\_\_\_\_\_     \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, that [**he/she**] is [\_\_\_\_\_\_\_\_\_     \_\_\_\_\_\_\_\_\_\_\_\_] for [**\_\_\_\_\_\_\_\_**     **\_\_\_\_\_\_\_\_\_\_\_\_\_\_**], the [Corporation, or Company], described herein and which executed the foregoing instrument; and that [he/she] signed [his/her] name thereto pursuant to the authority granted to [him/her] by the [Power of Attorney/ Board of Directors etc.] of said [Corporation, Company, Foreign Maritime Entity etc.]

In witness whereof, I have hereto set my hand and affixed my official seal at

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name:

Title:

1. Must include Date of Maturity and optional insertion of any further details the parties wish to be noted on the RMI register. [↑](#footnote-ref-1)