

U. S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

FILE NO.

WAIVER OF FORFEITURE PROCEDURES BY OWNER OF SEIZED PROPERTY

1. The property described below was seized by the U.S. Department of Agriculture on (date) _____ at (time) _____ at (place) _____ and is now in the custody of the Officer in Charge of Plant Protection and Quarantine, at _____. This property is subject to procedures relating to forfeitures in 7 CFR 356.1 - 356.9.

2. DESCRIPTION OF PROPERTY

Common Name	Scientific Name	Number of Plants or Parts

3. DESCRIPTION OF PROPERTY OTHER THAN PLANTS (Include any identifying numbers).

4. THIS PROPERTY WAS SEIZED BECAUSE

THIS WAS IN VIOLATION OF

5. PLANTS NOW LOCATED AT

6. ARRIVED ON (Carrier)

7. WAYBILL NO.

I hereby voluntarily abandon the plants listed above to the U.S. Government.

I understand that the following are my rights concerning the above listed property:

1. The right to challenge a forfeiture action brought by the United States Government. This is done by filing a claim to the property and a bond in the amount of \$250, with sureties to be approved by the Deputy Administrator, Plant Protection and Quarantine. I understand that in case of condemnation of the articles so claimed, I, as obligor, shall pay all the costs and expenses of the proceedings to obtain such condemnation. Any claim and bond challenging the forfeiture action must be received in the above mentioned Plant Protection and Quarantine Office within 20 days after the posting of a copy of a notice of seizure and proposed forfeiture and shall state claimant's interest in the property.

2. The right to file a petition for remission or mitigation of forfeiture with the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Jamie L. Whitten Federal Bldg., Washington, DC, 20250, in accordance with the procedures in 7 CFR 356.7 (copy of this section of the regulation is reproduced on the reverse of this form). This does not allow the remission or mitigation of plants that are without documentation required under 50 CFR Chapter 1.

I have read and understand the rights stated above and knowingly waive all my claims to, interests in, and further rights or proceedings relative to such plants, including the right to challenge forfeiture actions and the right to petition for remission or mitigation of forfeiture.

8. NAME AND ADDRESS OF OWNER(S)

9. SIGNATURE OF OWNER(S)

10. DATE

11. SIGNATURE OF WITNESS

12. DATE

13. DISPOSITION OF PLANTS

Section 356.7 Petition for remission or mitigation of forfeiture.

(a) Any person who has an interest in any property specified in Section 356.1 and valued at \$10,000 or less, or any person who has incurred or is alleged to have incurred a forfeiture of any such property, may file with the Deputy Administration a petition for remission or mitigation of forfeiture, while the property is in the custody of the Deputy Administrator.

(b) A petition filed with the Deputy Administrator need not be in any particular form, but must contain the following;

1. A description of the property;
2. The time, date, and place of seizure;
3. Evidence of the petitioner's interest in the property such as contracts, bills of sale, invoices, security interests, certificates of title; and
4. A statement of all facts and circumstances relied upon by the petitioner to justify remission or mitigation of the forfeiture.

(c) The petition shall be signed by the petitioner or the petitioner's attorney at law. If the petitioner is a business, the petition must be signed by a partner, officer, or petitioner's attorney at law.

(d) Upon receiving the petition, the Deputy Administration shall decide whether or not to grant relief. In making a decision, the Deputy Administration shall consider the information submitted by the petitioner, as well as any other available information relating to the matter, and may require that testimony be taken concerning the petition.

(e) If the Deputy Administration finds that the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law or finds the existence of such mitigation circumstances as to justify remission or mitigation of the forfeiture or alleged forfeiture, the Deputy Administrator may remit or mitigate the same upon terms and conditions as may be reasonable and just. However, remission or mitigation will not be made if such action would frustrate the purposes of the Act and Convention. As an example, this section does not allow remission or mitigation with respect to terrestrial plants that are without documentation required under 50 CFR Chapter 1.

(f) The Deputy Administrator shall notify the petitioner, in writing, concerning whether the petition was granted or denied, and shall state the reasons therefor. If the petition is denied fully or in part, the petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Deputy Administrator's notification concerning the original petition. The Deputy Administrator shall notify the petitioner, in writing, concerning the action taken in response to the supplemental petition, and shall state the reasons therefor.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0076. The time required to complete this information collection is .25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.