

**GARZA  
TELLO &  
ASOCIADOS**

**Arrest of cargo, bunkers,  
freights and other assets  
to assist shipowners in  
their efforts to collect on  
unpaid bills or claims.**

October 2009  
London, UK.

Enrique Garza

- Privileged claim over the cargo.
- Arrest as *precautionary measure*.
- Bunker's arrest.
- Real case occurred in Mexico.

**GARZA  
TELLO &  
ASOCIADOS**

# Privileged claim over the cargo



October 2009  
London, UK.

# Credits that originate privileged claims.

- Unpaid freights and accesories, loading, discharging and storage expenses.
- Recovery of sunken cargo.
- Unpaid contribution to salvage and general average expenses.

GARZA  
TELLO &  
ASOCIADOS

# Arrest as precautionary measure.



October 2009  
London, UK.

## Precautionary measure's provisions

There is a risk that the assets will be hidden or squandered.

The debtor does not own any assets in Mexico that those to be arrested.

Security is posted by the plaintiff (20%-100%).

# Important points of the precautionary attachment.

- The plaintiff will be entitled to appoint the depositary to the goods during their arrest.
- If the assets are likely to be destroyed, lost or perishable or if their value could be reduced, the Court could order their sale.
- The plaintiff has a 5 days-term to file a lawsuit.

GARZA  
TELLO &  
ASOCIADOS



October 2009  
London, UK.

**Bunker's arrest.**



**GARZA  
TELLO &  
ASOCIADOS**



**Real case occurred in  
Mexico**

October 2009  
London, UK.

GARZA  
TELLO &  
ASOCIADOS

# The 'Montana Carrier' —VS— The 'Construction shipper'

October 2009  
London, UK.



GARZA  
TELLO &  
ASOCIADOS

THANK YOU

Camino Sta. Teresa 187-C, 5 Floor.

Mexico D.F 14010

Tel: (5255) 5424 8460

Fax: (5255) 5171 0763

Mexico

[www.garzatello.com](http://www.garzatello.com)

October 2009  
London, UK.