

12(c) of Pub. L. 86-682 (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2712 of this title.

§ 2713. Trial of ownership of property

Not later than twenty days before the return day of a warrant issued under section 2712 of this title, the party whose property is attached, on notice to the United States Attorney, may file a plea in abatement, denying the allegations of the affidavit, or denying ownership in the defendant of the property attached. The court, upon application of either party, shall order a trial by jury of the issues. Where the parties, by consent, waive a trial by jury, the court shall decide the issues. A party claiming ownership of the property attached and seeking its return is limited to the remedy afforded by this section, but his right to an action of trespass, or other action for damages, is not impaired.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. § 927, which was originally classified to section 740 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. § 927 was reclassified to section 840 of Title 39. R.S. § 927 was repealed by section 12(c) of Pub. L. 86-682 (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2713 of this title.

§ 2714. Investment of proceeds of attached property

When the property attached is sold on an interlocutory order or is producing revenue, the money arising from the sale or revenue shall be invested, under the order of the court, in securities of the United States. The accretions therefrom are subject to the order of the court.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. § 928, which was originally classified to section 741 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. § 928 was reclassified to section 841 of Title 39. R.S. § 928 was repealed by section 12(c) of Pub. L. 86-682 (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2714 of this title.

§ 2715. Publication

The marshal shall cause publication of an executed warrant of attachment—

- (1) for two months in case of an absconding debtor, and
- (2) for four months in case of a nonresident debtor

in a newspaper published in the district where the property is situated pursuant to the details of the order under which the warrant is issued.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. § 929, which was originally classified to section 742 of former Title 28. Following the general revision and enactment of Title 28

by act June 25, 1948, R.S. § 929 was reclassified to section 842 of Title 39. R.S. § 929 was repealed by Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2715 of this title.

§ 2716. Personal notice

After the first publication of the notice of attachment, a person indebted to, or having possession of property of a defendant and having knowledge of the notice, shall answer for the amount of his debt or the value of the property. Any disposal or attempted disposal of the property, to the injury of the United States, is unlawful. When the person indebted to, or having possession of the property of a defendant, is known to the United States attorney or marshal, the officer shall cause a personal notice of the attachment to be served upon him, but the lack of the notice does not invalidate the attachment.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. § 930, which was originally classified to section 743 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. § 930 was reclassified to section 843 of Title 39. R.S. § 930 was repealed by Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2716 of this title.

§ 2717. Discharge

The court, or a judge thereof, upon—

- (1) application of the party when property has been attached and
- (2) execution to the United States of a penal bond, approved by a judge, in double the value of the property attached and conditioned upon the return of the property or the payment of any judgment rendered by the court

may discharge the warrant of attachment as to the property of the applicant.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 708.)

CODIFICATION

Section was derived from R.S. § 931, which was originally classified to section 744 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. § 931 was reclassified to section 844 of Title 39. R.S. § 931 was repealed by Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2717 of this title.

§ 2718. Interest on balances due department

In suits for balances due the Post Office Department may recover interest at the rate of 6 per centum per year from the time of default.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 708.)

CODIFICATION

Section was derived from R.S. § 964, which was originally classified to section 788 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. § 964 was reclassified to section 846 of Title 39. R.S. § 964 was repealed by Pub. L.