



ASSET SEIZURE ORDERS – CONSIDERATIONS FROM THE FINANCIAL INSTITUTION PERSPECTIVE

Douglas Sloan
November 2024



Asset Seizure Orders – Considerations and Common Problems

Many of the elements of what to seize in the asset seizure order are similar to the phrasing of what is required in a subpoena. But there are additional challenges as well, including but not limited to:

- Who to Serve Asset Seizure Orders
- Types of Seizures (e.g. to Seize or Freeze)
- Timing is critical – Seize the assets before they are moved out of accounts and out of reach. One partial solution: serve seizure orders by surprise, effective immediately and upon all financial institutions at the same time.
- Common problem 1. What if you are not sure?
- Common problem 2. Which assets to seize if there is a limit and the assets held exceed the limit.
- Common problem 3. Solution to be determined: What to do with securities held on margin, accounts actively managed by owner and/or financial institution?



What to add in your seizure order and how to phrase it (from the banker's perspective)....

- Names and name variations
- Separate names from account numbers
- “You are directed to seize any and all accounts owned or controlled directly or indirectly or for the direct or indirect benefit of the following name or name variations, or other names known by your institution to be linked or reference to the same person or persons, and the following account numbers:” (insert names, name variations, etc, separately)
- Sometimes assets seized are open ended and sometimes there are parameters to the extent that assets must be seized, so please indicate. In cases of the latter, indicate time period and/or up to a maximum value if so ordered, for example, “ From the date of this order and continuing through the next 10 business days, you are instructed to seize all assets described above up to an amount of \$50 million.”
- Indicate that questions pertaining to assets to be seized, amounts, etc should be directed to [Name and title and contact info].



If you are interested in exploring the possibilities for collaboration and strengthening your abilities...

Douglas A. Sloan
President
Catamount Huntsman

DASloan@outlook.com

+1-917-565-7695