



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/EASTERN RECRUITING REGION
PO BOX 19001
PARRIS ISLAND, SOUTH CAROLINA 29905-9001

5800.24C
SJA

08 MAY 2023

DEPOT ORDER 5800.24C

From: Commanding General
To: Distribution List

Subj: REPOSSESSION OF PERSONAL PROPERTY

Encl: (1) Sample Letter to Creditor

1. Situation. Secured creditors and/or their agents may enter Marine Corps Recruit Depot Parris Island (MCRDPI), South Carolina (SC) for the purpose of effecting a voluntary repossession of collateral.

2. Cancellation. DepO 5800.24B

3. Mission. To set forth instruction under which creditors may repossess personal property aboard MCRDPI, SC.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To ensure repossession of personal property located aboard MCRDPI, SC will be permitted only when there has been compliance with the procedures contained in this Order.

(2) Concept of Operations

(a) Court-Ordered Repossessions

1. Civilian law enforcement officials, authorized by applicable state law, will be permitted, upon proper request, to enter MCRDPI, SC to serve process for the purpose of execution and levy on personal property.

2. Court orders of repossession (Writs of Possession and Claim and Delivery) will be served on the individual in the same manner as other civil process.

3. Military police will accompany the sheriff when property is repossessed.

(b) Voluntary Repossession

1. Secured creditors and/or their agents may enter MCRDPI, SC for the purpose of effecting a voluntary

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repossession of collateral only if, after default (failure to comply with the debt instrument, contract, promissory note, etc.), the debtor has given the creditor written permission to communicate information regarding the debt to third persons, and subject to strict compliance with the following paragraphs.

2. Creditors who have received authorization to contact third parties in accordance with applicable state law and the preceding paragraph and who wish to effect voluntary repossession of secured property will notify the Staff Judge Advocate (SJA) at MCRDPI, SC, in writing, enclosing an original authorization from the debtor. The SJA will in turn contact the individual in possession of the property, to inform that person of the receipt of a creditor's request.

a. The individual whose property is subject to repossession will be offered an opportunity to consult with a Legal Assistance Judge Advocate, or a civilian attorney of his choosing, at no expense to the government concerning the consequences of voluntary repossession.

b. Unless the individual agrees to voluntary repossession, the person seeking repossession will be advised in writing (see the enclosure) that repossession will not be permitted without court order in accordance with applicable state law and [paragraph 2(a)3].

(c) Self-Help. Self-help repossession of property located aboard MCRDPI, SC is strictly prohibited.

(d) Personal Property. The owner of property being repossessed will be afforded the opportunity to remove personal property not the subject of the repossession action from the property that is being repossessed.

(e) Violations. A knowing violation of the above-described repossession policy may result in appropriate administrative and/or criminal action.

(f) Enclosure. The enclosure may be provided to creditors seeking information concerning repossession.

b. Tasks. Comply with the intent of the enclosure and content of this Order.

c. Coordinating Instructions. Submit all recommendations concerning this Order to SJA via the appropriate chain of command.

5. Administration and Logistics. The SJA is the sponsor for this Order.

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6. Command and Signal

a. Command. This Order is applicable to all organizational and tenant activities aboard MCRDPI.

b. Signal. This Order is effective the date signed.


W. J. GOYETTE
Chief of Staff

DISTRIBUTION: A

SAMPLE LETTER TO CREDITOR

To whom it may concern,:

As you have expressed an interest in repossession of personal property aboard MCRDPI, SC, this letter explains the policy, procedures, and responsibilities that govern such repossession:

a. Civilian law enforcement officials, authorized by applicable state law, will be permitted, upon proper request, to enter Parris Island, South Carolina to serve process for the purpose of execution and levy on personal property.

b. Court orders of repossessions (Writs of Possession, and orders of Claim and Delivery) will be served on the individual in the same manner as other civil process, normally by a deputy sheriff, at the Office of the Staff Judge Advocate.

c. Military police will accompany the Sheriff when property is repossessed aboard Parris Island, South Carolina.

d. Self-help repossession of secured property located aboard military installations is strictly prohibited.

e. Secured creditors and/or their agents may enter Parris Island, South Carolina for the purpose of effecting a voluntary repossession of collateral only if, after default (failure to comply with the debt instrument, contract, promissory note, etc.), the debtor has given the creditor written permission to communicate information regarding the debt to third persons, and only subject to strict compliance with the procedures contained in this order.

f. Creditors who have received authorization to contact third parties in accordance with applicable law and the preceding paragraph, and who wish to effect a voluntary repossession of secured property, will submit their request in writing, to the Office of the Staff Judge Advocate, enclosing an original authorization from the debtor. The Office of the Staff Judge Advocate will in turn contact the individual in possession of the property to inform that person of the receipt of a creditor's request. The request should be submitted to the following appropriate address:

Commanding General
Attn: Office of the Staff Judge Advocate
MCRD ERR
PO Box 19001
Parris Island, South Carolina 29905-9001

(1) The Depot Office of the Staff Judge Advocate will offer the individual whose property is subject to repossession an opportunity to consult with counsel concerning the consequences of voluntary repossession.

(2) Unless the individual agrees to voluntary repossession, repossession will not be permitted without a court order in accordance with applicable state law and paragraphs (a) through (c) above.

g. Under no circumstances will creditors or their agents enter Parris Island, South Carolina for the purpose of contacting individual debtors or any third party in an attempt to collect debts or effect repossessions except as provided in paragraph (f) above.

h. The holder of the property being repossessed will be given the opportunity to remove personal property not the subject of the repossession action from the property that is being repossessed.

i. A knowing violation of these policies governing repossession may result in appropriate administrative and/or criminal action.

Marine Corps Recruit Depot Parris Island, South Carolina has necessarily established the policy of not allowing self-help repossessions in order to maintain an appropriate level of security and control aboard the installation. The act of effecting a self-help repossession of property is inimical to good order and discipline. Self-help repossession, by its very nature, tends to provoke or excite others to the point of creating a disturbance of tranquility and a breach of peace. The concern for security and tranquility is shared by Department of Defense installations nationwide; consequently, the remedy of self-help repossession is rarely available aboard military installations.

South Carolina law, Section 37-5-108 of the South Carolina general statutes, prohibits creditors or their agents from unreasonably publicizing a consumer's debt, or in any way acting unconscionably in collecting a debt. In particular, a creditor should not communicate with the debtor's employer before obtaining a final judgment against the debtor, except to verify employment or if otherwise permitted by statute. A creditor should also not disclose information about a person's debt to any other third person, with knowledge or reason to know that said person does not have legitimate business need for the information. In the event of default, Section 37-5-111 provides that a creditor may neither accelerate maturity of the unpaid balance, nor take possession of collateral in enforcement of a security interest, until twenty (20) days after a written notice of a consumer's right to cure is given. During this period, any communication threatening prosecution or intended to harass is prohibited. The procedure established for voluntary repossession of their property aboard Parris Island, South Carolina is intended to provide military personnel with the opportunity to make an informed decision regarding the voluntary repossession of their property in a manner that is consistent with state debt collection law.

Although creditors are prohibited from entering Marine Corps Recruit Depot Parris Island, South Carolina for the purpose of contacting an individual debtor or any third party in an attempt to collect debts or effect repossessions, creditors who can demonstrate that they have received the necessary written consent of the debtor, given after default, may continue to contact commands by mail regarding indebtedness complaints, provided they are able to demonstrate compliance with the Standard of Fairness and the disclosure requirements of the Truth in Lending Act.

Although members of the Armed Forces are expected to pay their financial obligations in a proper and timely manner, Department of Defense (DoD) components have no legal authority to require members to pay a private debt or to divest of their pay for its satisfaction, even though the indebtedness may have been reduced to judgment. In those cases where a military member refuses to agree to a voluntary repossession of property, the appropriate remedy for the creditor is to institute legal action in a civil court of competent jurisdiction. Civilian law enforcement officials authorized by applicable state law will be permitted to enter Marine Corps Recruit Depot Parris Island, South Carolina to serve process and to seize personal property pursuant to a valid court order.

The purpose of our policy and procedures for repossessing personal property located aboard Marine Corps Recruit Depot Parris Island, South Carolina is to provide an orderly procedure by which secured creditors may regain possession of their property from military personnel who fail to pay their just debts in a timely and proper manner, but to do so in a way that complies with the mandates of State law and Department of Defense policy.

Sincerely,