

## **EXHIBIT J**

**JOHN L. AMRHEIN, JR.**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
IN ADMIRALTY

ODYSSEY MARINE EXPLORATION, INC. :  
 :  
Plaintiff, : CIVIL ACTION  
 :  
v. :  
 : Case No: 8:07-CV-00614-SDM-MAP  
THE UNIDENTIFIED, SHIPWRECKED VESSEL, :  
if any, its apparel, tackle, appurtenances and :  
cargo located within a five mile radius of the :  
center point coordinates provided to the Court :  
under seal, :  
 :  
Defendant; :  
*in rem* :  
and :  
 :  
The Kingdom of Spain and the Republic of Peru, :  
 :  
Claimants. :  
\_\_\_\_\_/ :

**AFFIDAVIT OF JOHN L. AMRHEIN, JR.**  
**IN SUPPORT OF ODYSSEY MARINE EXPLORATION, INC.'S RESPONSE TO**  
**CLAIMANT, SPAIN'S, MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

This AFFIDAVIT is being filed in case 8:07-CV-00614-SDM-MAP.

1. My full name is John L. Amrhein, Jr. My legal address is 117 Clipper Ct., Kill Devil Hills, North Carolina, 27948. I am competent to testify as to the matters covered in this affidavit.

2. I have personal knowledge regarding the information contained herein and hereby swear that the information is true and accurate to the best of my knowledge.

3. This affidavit is prepared in support of Odyssey's Response to Spain's Motion to Dismiss or For Summary Judgment and more specifically regarding factual matters relating to misrepresentation by Spain of the true identity of the *Juno* and the *La Gala* in the *Sea Hunt* case.

4. I am the author of the book entitled, "The Hidden Galleon, The true story of a lost Spanish ship and the legendary wild horses of Assateague Island," published October 4, 2007 by New Maritime Press, LLC and a website dedicated to the research behind *The Hidden Galleon*. ([www.thehiddengalleon.com](http://www.thehiddengalleon.com)). I have researched and searched for shipwrecks since 1978 when I first read about *La Galga*. Her precise location was recorded in the Archives of Maryland and published in 1913. Since then, until the writing of this book published in 2007, I compiled extensive research on the vessels *Juno* and *La Galga*, and the admiralty arrest of two unidentified sites in *Sea Hunt, Inc. v. Unidentified, Shipwrecked Vessel or Vessels, No. 2:98-cv-281 (E.D. Va. Dec. 18, 1998)*. My research over the last thirty years has included work in American archives, libraries, and courthouses as well as contract research in the archives of Spain and England. Spain entered that case on the presumption that the shipwrecks arrested by Sea Hunt were the shipwrecks of the *Juno* and *La Galga*. During the course of the trial, however, it became clear that there was no proof and a great deal of doubt that either the *Juno* or *La Galga* had been located by Sea Hunt. Surprisingly, no artifacts or other evidence from the actual shipwreck sites were used to identify the vessels.

5. In *Sea Hunt*, the Court accepted the stipulation of the parties to adjudicate issues as if the *Juno* and *La Galga* had been located within State waters. Future rights of the parties were adjudicated to vessels that were never actually brought before the court. In fact,

it is my opinion, based on extensive research, that the vessels to which rights were adjudicated in the Sea Hunt case were actually not the *Juno* or *La Gala* but unidentified merchant vessels that belonged to the Commonwealth of Virginia pursuant to the Abandoned Shipwreck Act of 1987. This assertion is based upon my knowledge that:

a. In the *Sea Hunt* case, *La Galga* and the *Juno* were in fact not discovered, and therefore were not properly put before the federal court. This was an *in rem* action where these two Spanish shipwrecks were alleged to have been discovered. This type of jurisdiction required that there actually should have been Spanish property arrested and brought into court before the rights of Spain could be adjudicated. Not only was no historical or archaeological evidence introduced that would prove that the unidentified ships were Spanish, but the plaintiff Sea Hunt, and the Commonwealth of Virginia who intervened on behalf of the unidentified shipwrecks, made numerous disclaimers that the res before the court was in fact not Spanish property. Even after the *Juno* was “awarded” to Spain by the District Court, Spain’s attorney stated that, “Sea Hunt achieved no success in even locating, much less salvaging, the wreck.” May 26, 1999, DKT entry # 130, page 14, Supplemental Brief of the Kingdom of Spain on the Issue of Salvage.

b. The wreck of the *La Galga* which ran ashore September 5, 1750, on Assateague Island just south of the Maryland-Virginia boundary line, was abandoned to William Gore of Virginia by her captain, Daniel Huony. He declared that the “owner of the land” owned the ship. He soon after departed the wreck with his crew. The Spaniards attempted no salvage of the wreck. Upon their return to Spain, the Spanish officers reported *La Gala* had been covered with sand before they had left Assateague. My research shows that



the beach was subsequently forfeited to the Commonwealth of Virginia and later acquired by the US federal government in 1943. In addition, the site under which *La Galga* is buried was well inland from the shoreline at the time Sea Hunt was searching for it over two hundred years after its grounding. My findings were reported to relevant state and federal agencies in 1983. It is even recorded in NOAA's shipwreck database, information that was available to Spain during the *Sea Hunt* case. *La Galga* was not the wreck found by Sea Hunt in the area of its claim off the shore of Assateague Island.

c. The discovery of the *Juno* was claimed by two treasure hunting firms, Quicksilver International, in 1988 and Sea Hunt Inc, in 1998, in two different locations 44 miles apart. Both locations were hundreds of miles from where research indicates that the *Juno* disappeared October 28, 1802. The record reveals that announcement of both discoveries was based on wishful thinking rather than archaeological and historical data. Quicksilver International based its claim on a bell caught in a deep trawl. The later discovery of anchor chain at that site proved that the Quicksilver site could not be the *Juno*. Spain argued therefore, that the site found by Sea Hunt must be the *Juno*. They offered no affirmative information or evidence as to why the Sea Hunt site had to be the *Juno*. In fact, the vessel *Favorite*, under the command of Captain Pourland, accompanied the *Juno* while it was in trouble from October 24 until October 28, 1802 and reported the disappearance of the *Juno* approximately 280 miles east of the coast of Assateague Island on the morning of October 28. The *Juno* certainly was not the vessel arrested by Sea Hunt in this case.

d. The Division of Historic Preservation in Richmond, Virginia, an agency charged with the inventory of archaeological sites including shipwrecks, does not

recognize either the *Juno* or *La Galga* sites are Spanish wrecks as put forth in *Sea Hunt*.

Furthermore, Dr. Susan Langley, an archaeologist for the State of Maryland who conducted a side scan sonar and magnetometer survey for the National Park Service, in a report dated May 31, 2002, noted that she failed to report any location for the *Juno* and *La Galga* and omitted them as possibilities of shipwrecks in the coordinates laid out in the *Sea Hunt* search areas. This report is on file at the Division of Historic Preservation in Richmond.

5. In the *Sea Hunt* case, the Court admittedly did not know if either the *Juno* or *La Galga* had been found as evidenced in the court transcript of September 15, 1998. The Court stated "But *Sea Hunt* has never guaranteed that these are the two ships. You are, in effect, trying to guarantee that they are the two ships, and I'm not satisfied that the Court is going to give Spain the yea or nay on salvaging these vessels when we don't really know what they are." [DKT 374] Pg. 65 Line 16. Also in the March 16, 2001 Transcript of Proceedings [DKT #184]. Anthony Troy for *Sea Hunt* stated "The record is clear that the parties and the Court relied on supposition, conjecture, and speculation when referring to the unidentified vessels as the *Juno* and *La Gala*." Page 45, line 21.

6. It is well documented that the vessels *Juno* and *La Galga* identified by Spain as the defendant vessels in the *Sea Hunt* case were not ever discovered by *Sea Hunt*, and all that was presented to the court were a few Spanish coins from an unidentified source. The court was not told that Spanish coins were legal tender in the United States until 1857 and that any shipwreck predating this period could contain Spanish or Spanish colonial coins. This is common knowledge in the archaeological field.

7. For these reasons, it is prudent for any salvor to make a thorough examination of all the material facts before prematurely announcing the name of a vessel based on optimism or speculation. In my opinion, based on the inaccuracies in the Sea Hunt case, it is wise to be skeptical of accepting such conclusions and converting them to findings of fact without appropriate archaeological and scientific proof.

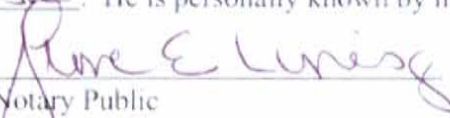
I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

  
John L. Amrhein, Jr.

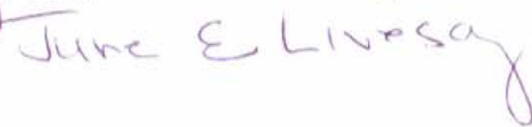


STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2008, by John L. Amrhein, Jr.. He is personally known by me.

  
Notary Public

My Commission expires: 09-07-2013





**Curriculum Vitae**  
**For**  
**John L. Amrhein, Jr.**

Date: November 11, 2008

**Personal**

Age: 59

Address 117 Clipper Ct., Kill Devil Hills, NC 27948

Phone: 252-202-5118

Email: [amrheinjl@embarqmail.com](mailto:amrheinjl@embarqmail.com)

**Current Position**

North Carolina Real Estate Broker 1995-present

North Carolina Licensed General Contractor 1998 – present

President New Maritime Press. LLC 2007- present

Author: *The Hidden Galleon: The True Story of a Lost Spanish and the Legendary Wild Horses of Assateague Island*

**Education/Experience**

B.S. Accounting, University of South Carolina, 1971

Hospital Management Field 1971-1980. Employed by Blue Cross, Humana, Inc, Psychiatric Institutes of America

Certified SCUBA diver 1972

Began extensive historical research in shipwrecks and maritime history in 1978 while residing in Washington, DC, utilizing the National Archives and Library of Congress. At this time began research into the 1750 Spanish warship *La Galga* of the 1750 fleet. This included directing contract research in the archives of Spain and England.

1980 Began ocean survey for *La Galga*.

Fall 1980-81. Joined Subaqueous Exploration and Archaeology, Ltd. (SEA, Ltd) as investor and Assistant Project Director, and chief diver. The goal was to find *La Galga*. Equipment used was



primarily a Varian V-85 magnetometer with a marine sensor which this subject was the chief operator and interpreter. Thoroughly mapped possible areas for *La Galga* in vicinity of current Maryland –Virginia area. Located shipwreck debris field which was rejected as possible site for *La Galga*. No other possible site was identified.

1981. SEA, Ltd filed claim to four vessels purportedly lost on the coast of Ocean City, Maryland. Claims of discovery were made in the United States District Court for the District of Maryland by company management, specifically one Donald Stewart. These claims were made without any artifact recovery or arrest of any artifacts. This subject later found that the very identity of the four vessels claimed to be a fraud invented by Donald Stewart. This subject filed Motions to Intervene in the District Court cases in an attempt to inform the court that in fact no vessels had been found and that the very identity of the vessels were a fabrication. These facts were discovered through the research efforts of this subject and that of others.

1983-1985. Outcome: The district court proceeded to judgment in the case and ignored the motion to intervene and made an erroneous attempt to deny the motion through language in court opinion only. (577 F SUPP, 597) This subject argued this point before the 4<sup>th</sup> Circuit Court of Appeals and was upheld. ( # 84-2170 unpublished opinion) During this time subject researched and wrote numerous motions and supporting briefs in opposition to the Attorney General of Maryland's attempt to uphold the District Court's erroneous opinion that stated that the fraudulent vessels did exist. This was because of a stipulation agreed to by Sea Ltd, and the Attorney General of Maryland. This subject also alerted the historian for the National Park Service about fraudulent material supplied by Donald Stewart and published by the Park Service. As a result, the Park Service Historian ordered the fraudulent material removed from future publications of the Assateague Island National Seashore. See <http://www.thehiddengalleon.com/Stateof%20Maryland.htm> and <http://www.thehiddengalleon.com/SanLorenzo.htm>

1983 formed a group of six investors to pursue *La Galga* based on new information as to her location. Based on archival research, local knowledge and legend, and a portable magnetometer, located the site believed to be *La Galga* buried under the sands and marshes of the Chincoteague National Wildlife Refuge. These findings were reported to all responsible federal and state agencies as well as the Smithsonian Institution and National Geographic. The federal government, on whose lands the wreck is buried, chose to do nothing.

1984 Organized investors of SEA, Ltd. in a suit filed in the Circuit Court of Worcester County Maryland (case #9981) against Donald Stewart for fraudulent representations over SEA, Ltd's claims of shipwreck discovery as well as fraudulent representations concerning *La Galga*. Subject was lead plaintiff and expert witness.

Outcome: Settled out of court with defendant, Donald Stewart, after he failed to provide verifiable evidence of his shipwreck claims.

1985-86. This subject was invited by the court into the case of *Indian River Recovery Company v. [Five] Unidentified Sailing Vessels* in the United States District Court for the District of Delaware as an amicus curiae. This subject not only briefed the court on the historical facts of the five shipwrecks but the jurisdictional requirements of an *in rem* admiralty action.

Outcome: The Court dismissed the salvage cases. *Indian River Recovery Co. v. Adeline, Santa Rosalea, Faithfull Steward, Three Brothers and Cornelia*, Civ. A. Nos. 85-310 to 314, United States District Court for the District of Delaware. 30 J. MAR. L. & COM. 253 June 11, 1986. In this case the court declined to proceed to adjudicate title or salvage rights to shipwrecks whose discovery was merely alleged. "Allegations in the complaints about the existence and location of ancient wrecks based upon research and investigation alone to not satisfy the Court that such vessels actually rest at that location or exist at all."

1986-1989. Researched, created, and published ten Colonial Period nautical charts.

1988-1990. Loan Officer Banc One Mortgage Company, Salisbury, MD.

1990-1993 Created software for the real estate and mortgage industry.

1995 to present. Associate Broker for Beach Realty & Construction, Kitty Hawk, NC

2001-2007. Researched and wrote *The Hidden Galleon: The true story of a lost Spanish ship and the wild horses of Assateague Island*.