

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
In Admiralty

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

vs.

Case No. 8:07-CV-00614-SDM-MAP

THE UNIDENTIFIED SHIPWRECKED
VESSEL, etc.,

Defendant,
in rem

and

The Kingdom of Spain and the Republic of
Of Peru,

Claimants,

Gonzalo de Aliaga, etc., et al.,

Claimants,

and

Santiago de Alvear, et al.,

Claimants

and

Elsa D. Whitlock f/k/a Elsa Dorca Ruiz

Claimant.

VERIFIED CLAIM OF ELSA DORCA WHITLOCK

Elsa D. Whitlock, f/k/a Elsa Dorca Ruiz , hereinafter referred as to “Claimant”, files this verified claim to articles of salvage recovered by Odyssey Marine Exploration, Inc., and, in

support, would show:

1. Plaintiff Odyssey Marine has filed and reported to this Court that it has found, recovered and possesses, as substitute custodian for the United States Marshall, articles of salvage from an unidentified wreck that reportedly includes substantial property of private non-governmental persons or agencies.

2. The Kingdom of Spain has appeared and, among other matters, has filed a dispositive motion to dismiss or for summary judgment. The Kingdom of Spain claims the cargo is from the *Nuestra Señora de las Mercedes*, a Spanish naval ship that was carrying substantial private cargo for private individual persons or entities when it was sunk in 1804. A copy of the manifest that has been filed herein [the Murietta Receipt Transcript - Odyssey Document Log No. 137] , among other matters, lists the names of shippers and owners and the amount of and nature of the privately owned goods or other property that was shipped or consigned as cargo.

3. Juan Antonio Comparet, is listed in the Murietta Receipt Transcript as the shipper of 24,300 coins (plata doble).

4. Claimant is a direct lineal descendant of Juan Antonio Comparet and accordingly claims, and requests to be awarded, a portion of the cargo property now physically located in safe keeping within the Middle District of Florida under the control of this Court, subject to a salvage award as determined by this Court to Odyssey Marine as salvor; if the recovered cargo is sold for cash a portion of such funds and if the recovery is distributed in specie, a portion of such distribution.

5. Claimant agrees that Odyssey Marine is entitled to a liberal salvage award for its special efforts in the recovery, conservation, preservation and safeguarding the salvaged cargo for fair and just adjudication by this Admiralty Court of the claims of all parties, including those to the

privately owned cargo.

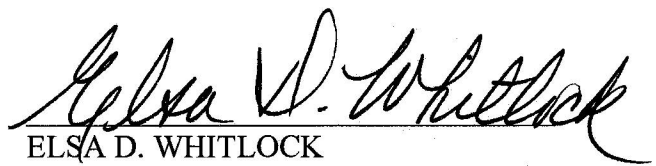
6. Claimant maintains her interest in the property that may be the subject matter of this proceeding and have not abandoned her ownership interest and her property rights have been reserved.

7. Claimant objects to the claims submitted by the Kingdom of Spain and the Republic of Peru as both claims are attempts to interfere with and abolish the property rights of the Claimant in which she has ownership rights by virtue of her inheritance and other legal and equitable transfer that may apply.

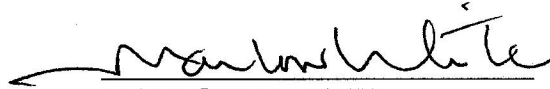
8. Claimant also objects to any claim by the Kingdom of Spain or the Republic of Peru that the property of Claimant is subject to sovereign immunity; neither have ever had any ownership interest in the property of Juan Antonio Comparat. The private property aboard the *Mercedes* was not owned by the Kingdom of Spain and the Kingdom of Spain does not have the authority to reject salvage on behalf of the individual private property owners, or to deny the private property owners the benefits from the salvage of their property, or to claim the right to have the private property recovered and now in possession of this Court to be forfeited or to be conveyed to the Kingdom of Spain.

VERIFICATION

UNDER PENALTIES OF PERJURY, I solemnly declare that I am the claimant named above; that I have read the foregoing claim and have personal knowledge of the facts alleged therein are true or, when the allegation is stated to be on information and belief, verily believe the allegation to be true.


ELSA D. WHITLOCK
f/k/a ELSA DORCA RUIZ

WHEREFORE, Claimant respectfully requests that this Honorable Court determine that Claimant is entitled to recover the property that she has an ownership interest in or to award the value of the property loss and salvage award to be determined by this Court or such other further relief that this Court may deem just and proper.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 28, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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