

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, et al,

Claimants,

and

Santiago de Alvear, et al.,

Claimants,

and

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

Claimant,

and

Dr. Jaime Durand Palacios

Claimant.

_____ /

VERIFIED CLAIM OF DR. JAIME DURAND PALACIOS

Dr. Jaime Durand Palacios (hereinafter referred as to "Claimant") files this his verified claim to articles of salvage recovered by Odyssey Marine Exploration, Inc., and, in support, would show:

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

2. The Kingdom of Spain has appeared and has filed a motion to dismiss and/or for summary judgment in this action asserting exclusive title and ownership of the salvaged vessel and its cargo. The Kingdom of Spain claims the cargo is from the *Nuestra Señora de las Mercedes*, a Spanish naval ship that was transporting cargo for private individuals when it was sunk in 1804. The ship's manifest that has been filed with this Court contains the names of the shippers and owners of the cargo, and the nature, quantities and values of the privately owned goods and other property shipped or consigned as cargo aboard the vessel.

3. Pedro Villacampa (also shown as Pedro Villa Campa) is listed on the ship's manifest as the owner and shipper of 8,000 pesos in currency under consignment.

4. Claimant is a direct lineal descendant of Pedro Villacampa (a/k/a Pedro Villa Campa, a/k/a Pedro de Villacampa) and hereby asserts his claim to the cargo/property now within the Middle District of Florida under the control of this Court, representing his ownership interest in said cargo as lineal descendant and lawful heir of the owner and shipper of the cargo referenced above, subject to an

appropriate salvage award, as determined by this Court, to Odyssey Marine as salvor. If the recovered cargo is sold for cash, an appropriate portion of such funds should be awarded to Claimant. If the recovery is distributed in specie, an appropriate portion of such distribution should be awarded to Claimant.

5. Claimant recognizes and agrees that Odyssey Marine is entitled to a liberal salvage award in this action.

6. Claimant has maintained his interest in the property that is the subject matter of this proceeding and has not abandoned, waived, transferred or conveyed his ownership interest. Claimant's property rights have at all times 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 abrogate the interests of the Claimant held by virtue of his legal and equitable rights as the lineal descendant and lawful heir of the owner and shipper, Pedro Villacampa.

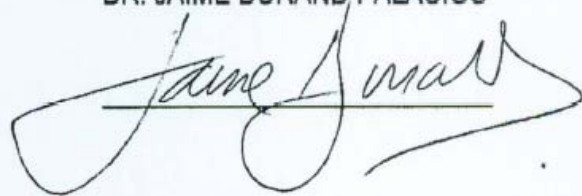
8. Claimant also objects to any claim by the Kingdom of Spain or the Republic of Peru that the property of Claimant is subject to sovereign immunity, as neither has ever had any valid ownership interest in the property of Pedro Villacampa. The private property aboard the *Mercedes* was not owned by the Kingdom of Spain nor the Republic of Peru, and neither the Kingdom of Spain nor the Republic of Peru have the authority to reject salvage on behalf of the individual private property owners, nor the right to deny the private property

owners the benefits from the salvage of their property, nor to claim the right to have the private property recovered and now in the possession of this Court forfeited, awarded or conveyed to the Kingdom of Spain or the Republic of Peru.

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; and that the allegations stated therein are true and correct to the best of my knowledge and belief.

DR. JAIME DURAND PALACIOS

A handwritten signature in black ink, appearing to read "Jaime Durand Palacios", written over a horizontal line. The signature is stylized and cursive.

WHEREFORE, Claimant respectfully requests that this Honorable Court accept the claim asserted herein, determine that Claimant is entitled to be awarded possession of the property that he has an ownership interest in or, in the alternative, to award the value of such property, less any salvage award to be determined by this Court, to Claimant and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s Guy E. Burnette, Jr.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 30, 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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/s Guy E. Burnette, Jr. _____
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