

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
IN ADMIRALTY**

ODYSSEY MARINE EXPLORATION, INC.

Plaintiff,

CIVIL ACTION

vs.

Case No.: 8:07-CV-00616-JSM-MSS

THE UNIDENTIFIED, SHIPWRECKED  
VESSEL, its apparel, tackle,  
appurtenances and cargo located within  
center point coordinates:  
(to be provided to the Court under seal)  
in rem,

Defendant(s).

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**AFFIDAVIT IN SUPPORT OF  
MOTION FOR APPOINTMENT AS SUBSTITUTE CUSTODIAN**

1. My full name is Melinda J. MacConnel. My legal address is 5215 West Laurel Street, Suite 210, Tampa, Florida 33607. I am competent to testify as to the matters covered in this affidavit.

2. I have served as General Counsel of Plaintiff, Odyssey Marine Explorations, Inc. (hereinafter referred to as "Odyssey"), for one year.

3. Odyssey is fully qualified to serve as the Substitute Custodian of the Defendant Shipwrecked Vessel(s). Odyssey has had many years of experience in the stabilization, conservation and curation of objects and artifacts recovered from ocean environments. Such objects and artifacts quickly degrade unless properly conserved. It is necessary also for purposes of fulfilling the appropriate archaeological protocols for a site such as this nineteenth century wreck that proper conservation of objects be performed.

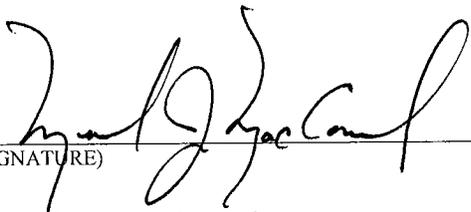
4. Odyssey agrees to assume the responsibility of safekeeping the salvaged artifacts. This includes not only the proper stabilization, conservation and curation of objects and artifacts recovered from the wrecksite but also the required cataloguing and recording of data for such objects and artifacts.

5. Odyssey has adequate liability insurance to respond in damages for loss of or injury to the said artifacts during said custody for damages sustained by third parties due to the negligence of Odyssey, its employees or agents committed during said custody.

6. All costs and expenses incidental to keeping of the said artifacts are to be assumed by Odyssey, and Odyssey understands that the United States Marshal does not assume any liability for any acts of the substitute custodian or any costs incurred incidental to this court-appointed custodianship.

7. Odyssey agrees to act as Substitute Custodian until further order of the Court.

FURTHER AFFIANT SAITH NOT.

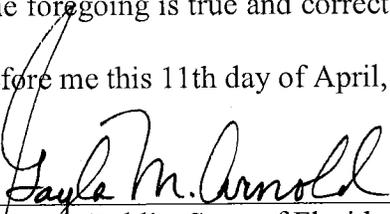
  
\_\_\_\_\_  
(SIGNATURE)  
Melinda J. MacConnel  
\_\_\_\_\_  
(TYPED NAMED)

STATE OF FLORIDA  
COUNTY HILLSBOROUGH

Before me, the undersigned authority, personally appeared this day Melinda J. MacConnel, who has produced \_\_\_\_\_ as identification or is personally known to me, and who was duly sworn and says that the foregoing is true and correct to the best of his/her information and belief.

SWORN TO AND SUBSCRIBED before me this 11th day of April, 2007.

NOTARY PUBLIC-STATE OF FLORIDA  
Gayla M. Arnold  
Commission # DD598439  
Expires: SEP 24, 2010  
BONDED THRU ATLANTIC BONDING CO., INC.

  
\_\_\_\_\_  
Notary Public, State of Florida  
at Large