

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

ODYSSEY MARINE EXPLORATION, INC.	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	Case No.: 8:08-cv-01044-SDM-TBM
THE UNIDENTIFIED, WRECKED AND	:	
(FOR FINDERS-RIGHT PURPOSES)	:	
ABANDONED SAILING	:	
VESSEL, if any, its apparel, tackle,	:	
appurtenances and cargo located within	:	
center point coordinates: to be provided	:	
to the Court under seal at the Court's request	:	
	:	
<i>in rem</i>	:	
	:	
Defendant(s).	:	

MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

Pursuant to Local Admiralty Rule 7.05(k)(3), Plaintiff, Odyssey Marine Exploration, Inc. ("Odyssey"), by and through its undersigned attorney, represents the following:

1. On May 29, 2008, Plaintiff initiated the above-styled action against an unidentified, shipwrecked vessel, its apparel, tackle, appurtenances, and cargo.
2. On June 19, 2008, the Clerk of the District Court issued a Warrant of Arrest against the unidentified, shipwrecked vessel or vessels, its apparel, tackle, appurtenances, and cargo, directing the U.S. Marshal to take custody of the vessel, and to retain custody of the said vessel pending further order of this Court.
3. Subsequent to the issuance of the Warrant of Arrest, the Marshal will take steps to immediately seize items retrieved from the unidentified wreck. Thereafter, continual

custody by the Marshal will require the special knowledge relating to the preservation of antique artifacts.

4. Artifacts retrieved from the unidentified wreck are presently in or en route to Tampa, Florida, and, subject to the approval of the Court. Odyssey, as Substitute Custodian, is prepared to provide security and take the steps necessary for the preservation of the artifacts of the vessel and for the safekeeping of the artifacts of the vessel at a cost substantially less than that presently required by the Marshal. Odyssey has also agreed to provide these services free of charge.

5. Odyssey has adequate facilities for the care, maintenance and security of the said artifacts.

6. Concurrent with the Court's approval of the Motion for Appointment of Substitute Custodian, Plaintiff, Odyssey, acting as the Substitute Custodian, will file a Consent and Indemnification Agreement in accordance with Local Admiralty Rule 7.05(k)(3)(B).

THEREFORE, in accordance with the representations set forth in this instrument, and subject to the filing of the indemnification agreement noted in paragraph 6 above, Plaintiff, Odyssey, requests the Court to enter an order appointing Odyssey Marine Exploration, Inc. as the Substitute Custodian for the artifacts.

DATED this 19th day of June, 2008.

s/ Allen von Spiegelfeld
Allen von Spiegelfeld – FBN 256803
avonsp@fowlerwhite.com
Eric C. Thiel – FBN 016267
ethiel@fowlerwhite.com
FOWLER WHITE BOGGS BANKER P.A.
P.O. Box 1438
Tampa, Florida 33601
(813) 228-7411
Facsimile: (813) 229-8313

Melinda J. MacConnel – FBN 871151
Odyssey Marine Exploration, Inc.
5215 West Laurel Street
Tampa, FL 33607
(813) 876-1776, ext. 2240
Fax: (813) 830-6609
E-mail: mmacconnel@shipwreck.net

Attorneys for Plaintiff