

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

ODYSSEY MARINE EXPLORATION, INC. :

Plaintiff, :

v. :

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

in rem

Defendant(s). :

CIVIL ACTION

Case No.: 8:08-cv-01045-RAL-MAP

**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 and have personal knowledge as to the matters covered in this affidavit.

2. I have served as General Counsel of Plaintiff, Odyssey Marine Exploration, Inc. (hereinafter referred to as "Odyssey"), for approximately two (2) years.

3. Odyssey is fully qualified to serve as the Substitute Custodian of the Defendant Site. 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

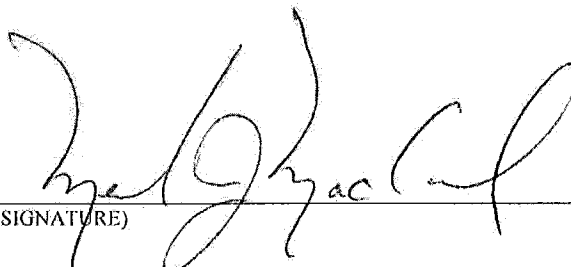
fulfilling the appropriate archaeological protocols for a site such as this Colonial period wreck that proper conservation of objects be performed.

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

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

6. All costs and expenses incidental to keeping the 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.

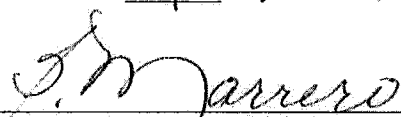
7. Odyssey agrees to act as Substitute Custodian until further order of the Court.
FURTHER AFFIANT SAITH NOT.


(SIGNATURE)
Melinda J. MacConnel
(TYPED NAMED)

STATE OF FLORIDA)
)
COUNTY HILLSBOROUGH)

Before me, the undersigned authority, personally appeared this day Melinda J. MacConnel, who is personally known to me, and who was duly sworn and says that the foregoing is true and correct to the best of her information and belief.

SWORN TO AND SUBSCRIBED before me this 17 day of June, 2008.



Notary Public, State of Florida
at Large

