

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
Northern Division**

GREAT LAKES EXPLORATION)	
GROUP LLC)	
Plaintiff,)	
v.)	Civil Action No. 1:04-CV-375
)	
The Unidentified, Wrecked and (For Salvage- Right Purposes), Abandoned Sailing Vessel, etc.)	HON ROBERT HOLMES BELL
Defendant)	

ORDER

On June 2, 2008, the Court issued an order and warrant for the arrest of the *in rem* Defendant warrant. The Marshal subsequently informed the Court that given the location and condition of Defendant, the appointment of a substitute custodian is necessary for the arrest warrant to be executed. Plaintiff Great Lakes Exploration Group LLC has previously filed a motion for appointment as substitute custodian. Now, therefore, for good cause shown, **IT IS HEREBY ORDERED** that pursuant to Rule C(3) and Rule E(4) of the Supplemental Rules for Admiralty or Maritime Claims, the Plaintiff Great Lakes Exploration Group LLC **BE AND HEREBY IS APPOINTED SUBSTITUTE CUSTODIAN** of Defendant Unidentified, Wrecked, and (For Salvage-Right Purposes), Abandoned Sailing Vessel.

In accordance with the Court's prior Order, it is hereby **ORDERED** that as salvor, Great Lakes Exploration, shall provide to the United States Marshal for arrest an item from the *in rem* Defendant, her tackle, hull, or apparel, which the Marshal shall thereupon arrest forthwith, after which all items retrieved from the vessel, and the vessel itself, shall

be continually and constructively seized pursuant to the Warrant of Arrest *in rem* issued by this court on June 2, 2008.

It is further **ORDERED** that upon above described execution of the warrant of arrest, this Court has constructive possession of the wreck itself and everything that is a part thereof, wherever located and whenever removed therefrom, past, present or future.

It is further **ORDERED** that the United States Marshal for the Western District of Michigan shall surrender the possession of the arrested artifact to the substitute custodian named herein upon executing the warrant in this action.

It is further **ORDERED** that all United States Marshal's costs be paid prior to release of artifact.

It is further **ORDERED** that the substitute custodian must sign a receipt for the artifact and the United States Marshal must attest to the date and time of release of the artifact to the substitute custodian on a certified copy thereof.

It is further **ORDERED** that the substitute custodian will receive into its possession, custody and control any and all items that will or may come up from the Defendant in the future, until a determination of ownership is made or a further order of the Court is issued.

It is further **ORDERED** that in conducting its exploration, recovery and salvage of the Defendant, Great Lakes Exploration shall exert its efforts to continue to the extent possible to preserve the scientific, historical and archaeological values of the Defendant and Great Lakes Exploration is hereby authorized to allow all other portions of the Defendant to remain *in situ* without prejudice to its position as Substitute Custodian and salvor.

It is further **ORDERED** that in the event that Great Lakes Exploration determines that it is deemed necessary to raise, remove or disturb the Defendant, her hull, tackle, appurtenances, apparel, cargo, etc., it shall provide Notice of the proposed action to the Court, to all parties of record, and to the U.S. Marshal, and shall thereupon first seek and obtain an order of the Court.

It is further **ORDERED** that Great Lakes Exploration in consideration of the United States Marshal's consent to the substitution of custody, shall indemnify, hold harmless, and release the United States Marshal, the United States of America, their agents, servants, employees, and all others for whom they are responsible, from any and all liability and responsibility arising out of the care and custody of the Defendant her hull, tackle, appurtenances, apparel, furnishings, etc.

It is further **ORDERED** that Great Lakes Exploration shall defend the United States of America, the United States Marshal, their agents, servants, employees, and all others for whom they are responsible, against all claims and actions arising out of said substitute custody and, further, shall indemnify and hold harmless and be responsible to pay and satisfy all claims and judgments that might arise out of said substitute custody and shall be responsible and indemnify and hold harmless the United States of America, the United States Marshal, their agents, servants, employees, and all others for whom they are responsible, for all attorneys' fees, costs, expenses and disbursements incurred in defending against such claims or actions arising out of said substitute custody.

It is further **ORDERED** that the Substitute Custodian shall pay the Marshal such deposit as may be required to cover necessary and proper liability insurance for the Marshal as determined by the Marshal.

It is further **ORDERED** that all persons having notice of this Order shall refrain from interfering with the efforts of Great Lakes Exploration and of the U.S. Marshal, including, without limitation, efforts to protect the scientific, historical and archaeological value of the shipwreck.

It is further **ORDERED** that all such third parties shall refrain from damaging, destroying, looting, pillaging, raising, removing and/or disturbing the Defendant vessel, her hull, tackle, appurtenances, apparel, cargo, etc. and from interfering in any other manner with the forgoing actions of Great Lakes Exploration and of the U.S. Marshal.

Finally, it is **ORDERED** that counsel for Great Lakes Exploration shall serve a copy of this Order on all counsel of record.

It is **SO ORDERED**.

UNITED STATES DISTRICT JUDGE