


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

FILED
JUN -7 AM 9:51

GREAT LAKES EXPLORATION)
GROUP LLC)
)
Plaintiff,)
)
v.)
)
The Unidentified, Wrecked and)
Abandoned Sailing Vessel, her)
engines, tackle, apparel,)
appurtenances, cargo, etc.)
located within a circle having)
a radius of 3.5 statute miles, whose)
center point is at coordinates)
45° 32.8' North latitude and 86° 41.5')
West longitude,)
)
In Rem)
)
Defendant.)

U.S. DISTRICT COURT
WESTERN DISTRICT MICH
BY: 

Civil Action No. 1:04CV0375
Robert Holmes Bell
Chief, U.S. District Judge

**MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN
AND SUPPORTING BRIEF**

COMES NOW Plaintiff, Great Lakes Exploration Group, by and through its
Counsel, and respectfully states:

1. On or about June 3, 2004 or shortly thereafter, the Complaint herein was
filed praying that Plaintiff be declared the sole rightful owner and possessor of the
Defendant shipwreck, herein, or that Plaintiff be awarded a liberal salvage recovery with
respect to the wrecked and abandoned sailing vessel, her engines, tackle, apparel,
appurtenances, cargo, *etc.*; and that Plaintiff be declared entitled to the sole and exclusive
right to recover, control, possess and transact with such property without interference by
third persons or parties, and that all such interference be temporarily and permanently
enjoined.

2. Simultaneously herewith, Plaintiff has moved for issuance of a Warrant of Arrest of Vessel commanding the United States Marshal, for the Western District of Michigan, to arrest and take into custody such portions of the Defendant as may be found in this district and to detain the same in his custody until further Order of the Court.

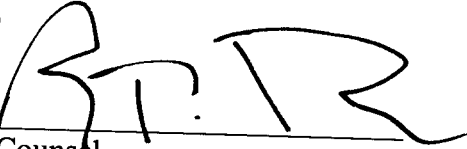
3. It is contemplated that the United States Marshal will seize such portions of the Defendant forthwith. Custody by the United States Marshal requires the services of one or more keepers alone and not including charges for preservation, storage and the other services usually associated with safekeeping vessels similar to this vessel.

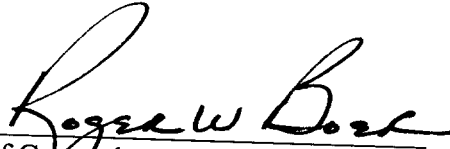
4. Items from the Defendant are currently and/or will be shortly stored under preservation at the offices of local counsel for Great Lakes Exploration Group, LLC, and Great Lakes Exploration Group LLC has agreed to assume the responsibility for safekeeping such portions of the Defendant and has consented to act as the custodian upon order of this Court, all for a sum, including preservation, storage and routine services required for the safekeeping of the particular vessel items, at a current rate of \$5 per month. The United States Marshal is unable to perform, or to have performed at a comparable rate, these same services. In any case, the transfer of the defendant vessel items to the substitute custodian for safekeeping will not be effected until the Court approves such custodianship and all such charges have been paid by the moving party.

5. Great Lakes Exploration Group, LLC by affidavit of its Managing Member, Steven J. Libert appended hereto as Exhibit A and made a part hereof, avers that it has secured adequate facilities and supervision for proper maintenance and safekeeping of the vessel artifacts.

Accordingly, Plaintiff respectfully moves the Court to appoint Great Lakes Exploration Group LLC as substitute custodian of such portions of the Defendant Wreck as may be found in this district.

Respectfully submitted,
GREAT LAKES EXPLORATION GROUP LLC

s/ 
By: _____
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