

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

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.)

Civil Action No. ~~1:04 CV 0375~~
Robert Holmes Bell
Chief, U.S. District Judge

ORDER FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

Plaintiff Great Lakes Exploration Group LLC has filed a Complaint praying that it be declared the sole rightful owner and/or possessor of the Defendant shipwreck, 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, deal with and transact with such property without interference by third persons or parties; and that all such interference be temporarily and permanently enjoined.

Simultaneously herewith, Plaintiff has moved for issuance of a Warrant of Arrest of Vessel commanding the United States Marshal for this District 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.

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 with historical value and/or significance.

Items from the *in rem* Defendant are currently and/or will be shortly stored under custody and control of Great Lakes Exploration Group LLC, and Great Lakes Exploration Group LLC has agreed to assume the responsibility of 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 and storage and routine services required for the safekeeping of the particular vessel artifacts, at a rate of \$5 per month. The United States Marshal is unable to perform or to have performed at a comparable rate these same services.

Great Lakes Exploration Group LLC by affidavit of its Managing Member avers that it has secured adequate facilities and supervision for proper maintenance and safekeeping of the items from the vessel.

Now therefore, it is hereby ORDERED that Plaintiff, 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 items from the vessel from the date of the transfer of possession of said vessel items.

IT IS FURTHER ORDERED that Plaintiff 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 United States Marshal for this District shall surrender the possession of the items from the Defendant vessel to the substitute custodian Great Lakes Exploration Group LLC.

IT IS FURTHER ORDERED that Great Lakes Exploration Group LLC be and is hereby, appointed the custodian of said vessel to retain the same in its custody for possession and safekeeping for the aforementioned compensation until further Order of the Court.

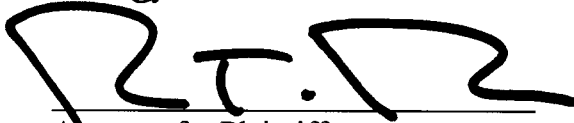
IT IS FURTHER ORDERED that all United States Marshal's costs be paid prior to release of said vessel artifacts.

FINALLY, IT IS ORDERED that the substitute custodian must receipt for the vessel artifacts and the United States Marshal must attest to the date and time of release on a certified copy thereof.

WE ASK FOR THIS:



Attorney for Plaintiff



Attorney for Plaintiff