

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

COUNTY OF HARRIS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on the day personally appeared: VICKI EUBANKS, who after being duly sworn, says that she is the ACCOUNTS RECEIVABLE LEAD at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

KILLEEN, ROBERT J. JR 22003005 20086021

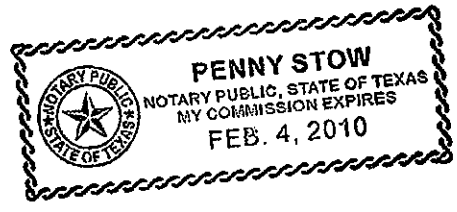
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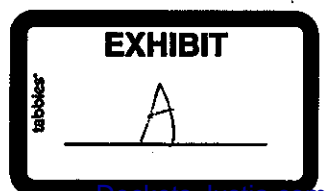
Vicki Eubanks

VICKI EUBANKS
ACCOUNTS RECEIVABLE LEAD

Sworn and subscribed to before me, this the 25th Day of June A.D. 2007



Penny Stow
Notary Public in and for the State of Texas



IN THE UNITED STATES
DISTRICT COURT
FOR THE SOUTHERN
DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL ACTION NO.

4:07-00784
ADMIRALTY
NATHAN SMITH
VS.

THE ABANDONED VESSEL,
in rem.

**NOTICE OF ACTION
BROUGHT BY OWNERSHIP
AND/OR TITLE TO
UNKNOWN ABANDONED
VESSEL**

NOTICE is given that Nathan Smith is claiming ownership and/or title to an abandoned and derelict vessel ("VESSEL") located at or about Refugio County, Texas in the vicinity of the Mission River within a 500 foot radius of a point at coordinates 28.18972679 latitude and -97.20262736 longitude and praying have filed a Complaint, pursuant to admiralty and maritime law claiming the right to ownership and/or title in the VESSEL and her tackle, armament, apparel, and cargo.

All persons having a claim to the VESSEL must file it as provided in the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002, and serve on or mail to counsel for Plaintiffs, Robert J. Killeen, Jr., Killeen & Stern, PC, 8 Greenway Plaza, Suite 614, Houston, Texas 77046, a copy thereof on or before June 25, 2007, or be defaulted. Personal attendance is not required.

Any claimant desiring to contest the right of Plaintiff to ownership and/or title in the VESSEL must file an answer to said Complaint, as required by the aforesaid rules and must serve on or mail to Plaintiffs' attorney a copy thereof, unless his claim has included an answer.

The Court has enjoined possession of claims arising out of this voyage by the vessels in all forums other than this one.

From: Meteor Multimedia [meteor@inorbit.com]
Sent: Wednesday, January 17, 2007 12:42 PM
To: toconnor@tmoc.com
Subject: spanish ship Mr. Smith

Sheriff T Michael O'Connor

This is a follow up to the previous conversation we had over the telephone. As i indicated we believe that there is a spanish ship located on or about your property. I hope we can work together to make this discovery a success. I have filed a admiralty claim against the vessel in federal court. We base our claim on the law of finds and as salvors in interest. We also believe that based on the laws of salvage that we do have a right to recover the ship from off your property. The ship is in peril and its cargo could be lost if immediate action is not taken. We are not treasure scavengers and we understand the significance of this find. We have contacted Texas A&M university for their assistance in this matter. We also will employ other experts to assist in the excavation or salvage of the vessel. Extreme due care and respect will be taken for the ship and your property. We are very open to talks regarding accommodating any of your concerns and also to protect both yours and our interest.. Sheriff O'Connor it appeared from our phone conversation that we were both of the same mindset and on the same page regarding this discovery.. I know that we can come to a meeting of the minds and work out terms that will be amicable and beneficial to all parties involved. We look forward to hearing from you.

thank you

Nathan Smith

323 578-2897

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8/28/2007



From: Meteor Multimedia [meteor@inorbit.com]
Sent: Friday, January 26, 2007 1:58 PM
To: toconnor@tmoc.com
Subject: excavation of ship. Mr Smith

Sheriff T Michael O'Connor

Sheriff this is a further follow up to the previous email that i already sent. I know you are a busy man and that your time is very important. The proper salvage and excavation of this imperil ship is also important. As the salvor in interest and based on the fact that i have a claim against the ship over all the world except the original owners. I have a duty to save the vessel and it's cargo which is on the verge of being lost. I have consulted and will continue to consult and employ the proper personnel and experts in regards to a proper salvage and excavation being carried out. We have stayed on the water in regards to our excavation. This allows us to properly excavate without encroaching on your rights. Excavation has taken place and will continue to take place. You being in law enforcement surely understand the waterway access laws and that we are within our rights. I have attempted to involve you in the process and to give you proper notice of our actions regarding your property and the excavation of the ship. You have informed me that hunters potentially have trespassed on your land. We are not trespassers and we did not trespass when we located the ship. You do not own the river and if it and it's waters happen to flow on your land and we stay on the water you have no authority over our excavation. Of course you know your rights but we also know ours. We will compensate you for any damaged to your property but we will not cease our operations without a court order and we will seek one if we have too if you attempt to hinder our operations which are within the law.. Sheriff we want to work with you and as you indicated we are entitled to the ship and the rewards that come with being the first finders. Our excavation will continue and we hope that with your cooperation it will be a success. We have a right under law to save that vessel and this we are doing and will continue to do. Your input will be greatly appreciated..

Thank you
Nathan Smith
P.O. BOX 46243
WEST HOLLYWOOD CA
90046

323 578-2897.



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EXHIBIT

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8/28/2007

From: Meteor Multimedia [meteor@inorbit.com]
Sent: Friday, August 03, 2007 4:13 PM
To: toconnor@tmoc.com
Subject: Abandoned Vessel Mr. Smith

Dear Sirs and Madams

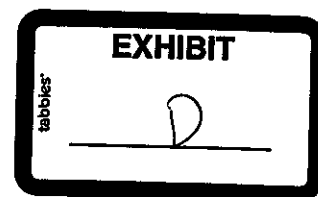
As you are aware, I filed an in rem action against the vessel believed to be partially embedded in/adjacent to riverbank within your property lines. I gave you as private landowners notice of my claim. As well as the general public by means of four week publishing in the Houston Chronicle. The deadline for filing claims and objections has passed and i will soon be filing for a declaratory judgement vesting title of the vessel in my name. Please advise me in writing if you have any objections to me entering the property for 52 weeks so i may proceed with the excavation of the vessel and its appurtenances. I am willing to offer you written assurance that i will restore any portion of your land that we dig on back to its prior condition. I am also willing to work with you and incorporate your own reasonable terms regarding the excavation period and post excavation restoration into the final judgement. Please do not hesitate to contact me if you have any questions or concerns.

sincerely

Nathan Smith

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8/28/2007



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATHAN SMITH

VS.

THE ABANDONED VESSEL, *in rem*

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CIVIL ACTION NO.

ADMIRALTY


VERIFICATION

Killeen & Stern, PC

STATE OF CALIFORNIA §
COUNTY OF LOS ANGELES §

AUG 24 2007
C/M# _____
Atty _____

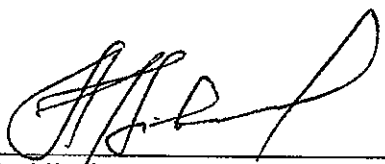
On this day, Nathan Smith appeared before me, the undersigned notary public. After I administered an oath to him, upon his oath, he said that he read the Motion for Declaratory Judgment and that the facts stated in it are within his personal knowledge and are true and correct.



Nathan Smith

SWORN TO and SUBSCRIBED before me by Nathan Smith on August 23, 2007,
2007.





Notary Public, in and for
the State of California

