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PLAINTIFFS

DEFENDANTS

INDIAN RIVER RECOVERY CO.

SANTA ROSEA LEA, HER APPURTENANCES,
FURNITURE, CARGO, ETC.

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

Admiralty- Salvage of sunken ship
28 U.S.C. § 1333

ATTORNEYS

Bayard J. Snyder, Esq,

CHECK HERE IF CASE WAS FILED IN FORM A

FILING FEES PAID			STATISTICAL CARD	
DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE M.
5/24/85	Tomar, Parks, et al.		JS-5	
			JS-6	

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INDIAN RIVER RECOVERY CO.,)
Plaintiff,)

v.) C.A. No. 85-312

SANTA ROSEA LEA,)
HER APPURTENANCES,)
FURNITURE, CARGO, ETC.,)
Defendant.)



COMPLAINT

1. This is a case of admiralty and maritime jurisdiction in rem and in personam, as hereinafter more fully appears, and is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is granted pursuant to Section 1333 of Title 28 of the United States Code.

2. At all the times herein mentioned, plaintiff, Indian River Recovery Co., was and now is a corporation duly organized and existing under the laws of the State of Delaware and a citizen of the State of Delaware with its principal place of business in Lewes, Delaware. At all times material hereto it has been engaged in the business of maritime salvage.

3. On information and belief, Santa Rosea Lea is a sailing ship which was transporting cargo in the year 1788. At all times material hereto she was operated upon the navigable waters of the North Atlantic and the United States.

4. On information and belief, in the year 1788, Santa Rosea Lea laden with a large and valuable cargo, while proceeding on a voyage, sank in the Delaware Bay. The vessel and her cargo

thereafter remained in great peril subject to the destructive forces of the North Atlantic.

5. On or about April , 1984 the plaintiff located the abandoned wreck of Santa Rosea Lea and proceeded to salvage a portion thereof. Exploration of the wreck was conducted pursuant to the General Maritime Law and/or under a permit issued by the State of Delaware to Harvey Harrington, an officer of the plaintiff.

6. The plaintiff has voluntarily rendered in the past and will continue to render in the future valuable salvage services utilizing costly equipment with significant skill while exposed to great risk all in the recovery of the defendant, her furniture, her appurtenances, her cargo and her apparel.

7. The salvage services of the plaintiff were rendered in the past and will be rendered in the future in a prompt, efficient and successful manner requiring great skill and expense.

WHEREFORE, the plaintiff prays:

1. That process issue in rem against the vessel Santa Rosea Lea, its appurtenances, furniture, cargo and apparel;

2. That process issue in personam against any persons identified as potentially having an interest in the premises;

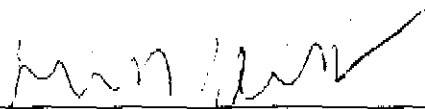
3. That all persons having any claim or interest in the premises may be required to appear and answer on oath all and singular the matters aforesaid;

4. That this Honorable Court grant and decree to the plaintiff a salvage award in the premises;

5. That this Honorable Court declare and determine the rights of all persons in the premises;

6. That this Honorable Court grant any such further relief as justice and equity may require.

Plaintiff, By its Attorney,



BAYARD J. SNYDER
Tomar, Parks, Seliger, Simonoff
& Adourian
901 Market Street, Suite 1111
Wilmington, Delaware 19801
(302) 655-0500

STATE OF DELAWARE:
: SS.
NEW CASTLE COUNTY:

Harvey Harrington being duly sworn, deposes and says:

I am an officer of Indian River Recovery Co., the plaintiff herein. I have read the foregoing Complaint and know the contents thereof and the same is true of my own knowledge, except as to the matters therein stated upon information and belief and as to those matters I believe it to be true.

I make this verification in that Indian River Recovery Co. is a corporation and I am an officer thereof.

Harvey Harrington
HARVEY HARRINGTON
An Officer of Indian River Recovery Co.

Subscribed and sworn to be fore me this 24th day of May, 1985.

Walter J. Harman
Notary Public
My Commission Expires: 9-1-85.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

INDIAN RIVER RECOVERY CO.,)

Plaintiff,)

v.) C.A. No. 85-312

SANTA ROSEA LEA,)

HER APPURTENANCES,)

FURNITURE, CARGO, ETC.,)

Defendant.)

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MOTION OF THE PLAINTIFF
INDIAN RIVER RECOVERY CO.
FOR PROCEDURAL RELIEF

NOW COMES the plaintiff, Indian River Recovery Co., in the above-entitled action and respectfully moves this Honorable Court to deputize a qualified SCUBA diver for purposes of serving process upon the wreck of Santa Rosea Lea and thereby affecting the in rem jurisdiction of this Honorable Court. The plaintiff assigns as reasons therefor the following:

(a) The Santa Rosea Lea lies in approximately eighty (80) feet of water.

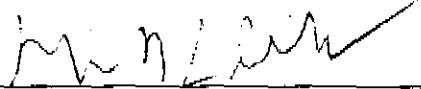
(b) The Office of the United States Marshal will not make service upon the vessel.

(c) The plaintiff will sustain all costs of making such service.

(d) The plaintiff will release and/or waive any claims that it may have against the Marshal for any loss sustained by the vessel after arrest arising out of the inability of the Marshal to discharge his custodial duties, attributable to the location of the wreck and/or the dangers of the sea.

(e) The plaintiff agrees to provide at its expense such reasonable bonded storage facilities as may be required by the United States Marshal to keep items salvaged by the plaintiff pending final disposition herein.

Plaintiff, By its Attorney,



BAYARD J. SNYDER
Tomar, Parks, Seliger, Simonoff
& Adourian
901 Market Street, Suite 1111
Wilmington, Delaware 1980.
(302) 655-0500

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INDIAN RIVER RECOVERY CO.,)
)
Plaintiff,)
)
v.) C.A. No.
)
SANTA ROSEA LEA,)
HER APPURTENANCES,)
FURNITURE, CARGO, ETC.,)
)
Defendant.)

O R D E R

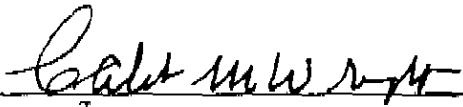
The plaintiff's Motion for Procedural Relief having been duly heard and considered:

IT IS HEREBY ORDERED:

1. That a warrant shall issue for the arrest of Santa Rosea Lea, her appurtenances, her furniture, her cargo and her apparel.
2. That Joseph Amaral and John Farrar are hereby appointed to make service of the warrant upon Santa Rosea Lea, her appurtenances, furniture, cargo and apparel, with costs and expenses of said service to be paid by the plaintiff.
3. That plaintiff is hereby appointed to act as custodian of Santa Rosea Lea, her appurtenances, furniture, cargo and apparel. Plaintiff shall exercise due diligence as custodian and shall exercise such reasonable care as may be necessary to maintain the custodial legis of the Court.
4. The United States Marshal shall not be responsible for protecting or preserving Santa Rosea Lea, her appurtenances, her furniture, her cargo or her apparel under this Order.

5. That Indian River Recovery Co. shall provide at it's own expense such reasonable bonded storage facilities as may be required to keep and protect any items salvaged pending final disposition of this case.

6. That Indian River Recovery Co. shall make a full accounting to the Court of any and all items of value recovered from Santa Rosea Lea.


J.

SO ORDERED THIS 29 DAY

OF May, 1985.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE


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INDIAN RIVER RECOVERY CO.,)
Plaintiff,)
v.)
SANTA ROSEA LEA,)
HER APPURTENANCES,)
FURNITURE, CARGO, ETC.,)
Defendant.)

C.A. No. 85 312

CERTIFICATE OF SERVICE

I, Bayard J. Snyder, hereby certify that on
I served a copy of the above Motion of the Plaintiff Indian River
Recovery Co. For Procedural Relief and a copy of the Complaint, by
delivering in hand a copy of each to the U.S. Marshal in Wilmington,
Delaware.


BAYARD J. SNYDER
Tomar, Parks, Seliger, Simonoff
& Adourian
901 Market Street, Suite 1111
Wilmington, Delaware 19801
(302) 655-0500

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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msw

INDIAN RIVER RECOVERY CO.

v

SANTA ROSEA LEA, etc.

Civil Action No. 85-312 CMW

NOTICE OF ASSIGNMENT OF JUDGE

Please note the above case has been assigned to

Judge Caleb M. Wright.

J. R. MC ALLISTER, JR.

Clerk

Date: May 30, 1985

To: The Honorable Caleb M. Wright
Bayard J. Snyder, Esq.

/lnb

* When filing papers, please include the initials of the Judge assigned to the case number.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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INDIAN RIVER RECOVERY CO.,)

Plaintiff,)

v.)

C.A. No. 85-312 C.M.L.Y

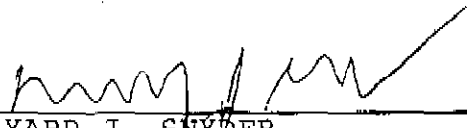
SANTA ROSEA LEA,)

HER APPURTENANCES,
FURNITURE, CARGO, ETC.,)

Defendant.)

SECOND CERTIFICATE OF SERVICE

I, Bayard J. Snyder, hereby certify that on May 29, 1985
I served a copy of the Amended Complaint, by delivering in hand a
copy to the U.S. Marshal in Wilmington, Delaware.


BAYARD J. SNYDER
Tomar, Parks, Seliger, Simonoff
& Adourian
901 Market Street, Suite 1111
Wilmington, Delaware 19801
(302) 655-0500

JOHN L. AMRHEIN, Jr.
227 Brookview Drive
Salisbury, Md. 21801

June 25, 1985

Clerk of the Court
U.S. District Court For The District Of Delaware
844 King Street
Wilmington, Delaware 19801

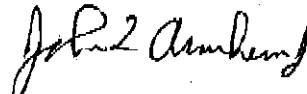
Re: Civil Action No. 85 - 312 C.M.W.

Dear Clerk,

Please file the enclosed Motion To Intervene and supporting Memorandum
in the above referenced case.

Thank you.

Very truly yours,



John L. Amrhein, Jr.

cc: Bayard J. Snyder, Esq.