

NAVY SEC-3RD SECTOR COORD xxxxxxxxxxxxxxxxxxxx

From: Robert . Yorke xxxxxxxxxxxxxxxxxxxx
Sent: 31 October 2014 13:06
To: Robert Yorke
Subject: Recent articles about HMS Victory 1744

Dear JNAPC Members and Observers

Here are two recent articles about HMS Victory 1744 for your information.

The first was on Friday 24th October at 1.34 PM (US Eastern Time) from Green River Asset, a US hedge fund normally long on the shares of Odyssey Marine Exploration (OMEX). It is quite amazing that they were able to publish a long highly researched article, particularly on the coins, just a few hours after the announcement that the Maritime Heritage Foundation and OMEX had received permission to work on the wreck site!

<http://seekingalpha.com/article/2595215-odyssey-marine-victory-and-vindication?app=1&uprof=46>

The second was on Monday 27th October by Ryan Harris of Meson Capital Partners, another US hedge fund normally short on the shares of OMEX.

<http://seekingalpha.com/article/2600675-odyssey-jettisons-lottery-ticket-upside-with-new-hms-victory-deal?app=1&uprof=46>

There is also an interesting comment/reply by Green River to Ryan Harris of Meson, see below.

Regards

Bob

Comment by Green River Asset to Ryan Harris

STARTS

Ryan, Your analysis has several "fatal flaws," but the most important has to do with the way that you apply the UNESCO Annex to the Victory recovery. You say that the UK government announcement states the the MHF has adopted the Annex to the Unesco Convention. Yet, the government announcement says something altogether different.

That statement reads as follows: " In parallel, the Government have worked with MHF to develop a phased approach to the management of the site through a Project Design that conforms with the ARCHAEOLOGICAL principles of the Annex to the UNESCO Convention on the Protection of Underwater Cultural Heritage ("the Annex"), the agreed Key Management Principles, and with the Government's heritage policies." (my caps) MHF is not bound to comply with all facets of the Convention. It has developed a plan that conforms to the Convention's ARCHAEOLOGICAL principles only. That is exactly how the statement reads. To suggest otherwise is to mislead your audience. The UK wouldn't compel MHF to abide by all the rules set out in UNESCO, as the country has not agreed to the UNESCO rules in general.

This said, even had the MOD compelled MHF to abide by UNESCO's Annex, it still would not have prevented the sale of items not accessioned. Rule 2b of the Annex clearly states: This Rule cannot be interpreted as preventing: (b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with

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this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

All of your subsequent Hurdles having to do with UNESCO (e.g. cash bonds, agreements between OMEX and MHF, etc.) are therefore null and void.

You speculate that because OMEX no longer uses language regarding a percentage of treasure in its filings, that the firm cannot take a percentage of the coins. This is faulty logic and a dangerous assumption. This is especially dangerous given your history of making faulty assumptions.

You state: "This language was brought to our attention by numerous archaeologists who highlighted the UNESCO CPUCH Annex, to which the UK is a signatory to." Again, you are fabricating stories to scare investors. Here is the direct quote from "Protection and Management of Historic Military Wrecks outside UK Territorial Waters" that the MOD and you reference: "Though NOT CURRENTLY A SIGNATORY to the UNESCO Convention, the UK Government has adopted the principles set out in its Annex (reproduced at Appendix C) as best practice in the archaeological and cultural management of underwater sites and artefacts." The key is that they note that the UK is not a signatory (contrary to your statement) and that the UK follows the UNESCO principles as best practice in the ARCHAEOLOGICAL and CULTURAL MANAGEMENT of these sites, not in the overall management of the sites.

You're wrong that the 400,000 pound sterling reference is the only piece of evidence about the commercial gold shipment. We also know that the Courant published the fact that, "concerns over the disappearance of the Victory "today drove up the premium on the insurance of this ship to 15 percent." So, something was insured on the ship. Wessex argues that it could have been the ship itself, but I'm guessing that the government wouldn't have looked too kindly upon commercial bets as to whether its ships would go down.

All of the evidence for the shipment is circumstantial, but that is normal for the period. None of this would be on logs or manifests. The circumstantial evidence is strong, ignore it at your own peril.

As for whether the gold could disappear without leaving a trace – it did leave a trace - in the newspaper. Virtually all records in Lisbon prior to 1755 were destroyed in a massive earthquake.

You say, "No "secret gold" stories ever work out." Yet, This isn't a secret gold story. It's a commercial shipment. Similar to the Central America (that you thought would yield no gold), the Republic, and the Gairsoppa.

You contradict yourself when you assume a lengthy court battle. You've claimed that there's no evidence of the gold, yet now you turn around and suppose that there is evidence to support a claim in courts. If someone's making a claim, they're making it based on something, right?

There's not a lot to challenge here in this arrangement, but I realize that you have no other option than to keep protesting. MHF was gifted the wreck. The laws in the UK provide for how personal property would be disposed. The MOD has approved the work and Project Design. The Receiver of Wreck will follow the laws and those laws are clear. If a claimant comes forward to claim a portion of the gold and has valid paperwork from 1744 that survived the earthquake then they might be entitled to a portion. Just note that salvor awards historically have ranged from 90-100% of value. The 80% we are assuming is below the low end of historical salvage awards. You say, "To be perfectly clear: This is without legal precedent and contrary to the current rules." But this is inaccurate. There is plenty of legal precedent, and this project is well within the rules. Museums in the UK regularly deaccession items of cultural heritage and offer them for sale. The Treasure Act of 1996 allows for treasure finds to be sold to museums or on the private market. The Portable Antiquities Scheme also allows for the sale of cultural items in the UK. The Victory recovery will adhere to the archaeological principles laid out in the UNESCO

and to English Law, and OMEX will be paid a percentage of the commercial cargo recovered.

Historically your analysis has proven highly suspect and this has led to many faulty conclusions as noted in the other comments appearing here. This time is no different.ENDS