

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
"IN ADMIRALTY"

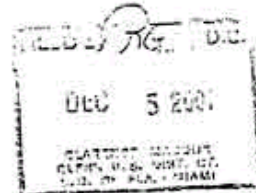
MAGISTRATE JUDGE
FURNOFF

IN THE MATTER OF WAVE DANCER, LTD.,
WAVE DANCER (BELIZE) LTD.,
PETER HUGHES DIVING, INC. AND
PETER HUGHES, AS OWNERS,
OWNERS *PRO HAC VICE*, OPERATORS
AND MANAGING AGENTS, OF THE
M/V WAVE DANCER FOR EXONERATION
FROM OR LIMITATION OF LIABILITY

CIVIL ACTION
NO.

SECTION " "

MAGISTRATE ()



ORDER FOR TRANSFER TO TRUSTEE, DIRECTING ISSUANCE OF
NOTICE AND RESTRAINING PROSECUTION OF CLAIMS

WHEREAS, a Complaint for Exoneration from or Limitation of Liability having been filed herein on the 21st day of November, 2001, by Wave Dancer Ltd., Wave Dancer (Belize) Ltd., Peter Hughes Diving, Inc., and Peter Hughes (hereinafter sometimes referred to as "plaintiffs-in-limitation"), as owners, operators, owners *pro hac vice*, and managing agents of the M/V WAVE DANCER claiming exoneration from or limitation of liability as provided in 46 U.S.C. § 181, *et seq.* and Supplemental Rule F of the Federal Rules of Civil Procedure for all losses, damages and consequences allegedly resulting from the voyage of the M/V WAVE DANCER commencing on October 6, 2001 and ending on October 8, 2001 with the capsizing and sinking of the M/V WAVE DANCER as referred to in the Complaint; the M/V WAVE DANCER thereafter becoming a

constructive total loss; and the owner of the MV WAVE DANCER, having elected to transfer or security its interest in the MV WAVE DANCER to a trustee to be appointed by this Court pursuant to Supplemental Rule F(1)(b) and claims in-litigation having deposited funds for costs as required by the rules of this Court.

NOW THEREFORE, on motion of plain tiff's in-litigation:

IT IS HEREBY ORDERED, in conformity with the laws of the United States, in particular, 45 U.S.C. § 185(b) and Supplemental Rule F of the Federal Rules of Civil Procedure, that the owner of the MV WAVE DANCER, Wave Dancer, Inc., hereby transfer its interest in the MV WAVE DANCER to a trustee, Tanya A. Brown, as approved security together with such sums of approved security as the Court may from time to time fix as necessary to carry out the provisions of the statutes, as amended.

IT IS FURTHER ORDERED, in accordance with Supplemental Rules F(4) and F(5) of the Federal Rules of Civil Procedure, that Notice shall issue out of and under seal of this Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, advising them to file their respective claims, in writing, with the Clerk of Court and to serve a copy on attorney for plaintiffs-in-litigation on or before the 32 day of January 2002 and requiring any claimant who desires to contest either the right to exoneration from liability or the right to limitation of liability to file and serve on attorney for plaintiffs-in-litigation an answer to the Complaint, unless his or her claim has included an answer, or on before the date a trial is entered, or be forever defaulted; and

IT IS FURTHER ORDERED that the aforesaid Notice be published by plaintiffs-in-litigation in the Miami Herald and Richmond Times newspapers of general circulation in Miami, Florida, and

Richmond, Virginia, respectively, once each week for four (4) consecutive weeks prior to the date fixed for the filing of claims, as set forth in the Notice, and copies of the Notice shall also be mailed in accordance with the same Supplemental Rule F; and

IT IS FURTHER ORDERED that the commencement and/or further prosecution of any and all suits, actions or legal proceedings of any nature or description whatsoever against plaintiffs-in-limitation, their shareholders, insurers and underwriters, or the M/V WAVE DANCER or against any property of plaintiffs-in-limitation, its affiliated companies, except in these proceedings, with respect to any claims arising out of or consequent upon or connection with any loss, damage, or consequence resulting from the matter referred to in the Complaint be and hereby are stayed and restrained until the hearing and determination of this proceeding, and all warrants of arrest and writs of attachment issued or attempted to be issued in such other suits, actions or legal proceedings and the same are hereby dissolved.

IT IS FURTHER ORDERED that service of this restraining order be made by plaintiffs-in-limitation by mailing a duly certified copy thereof to prospective claimants by United States Mail, registered or certified, with first class postage prepaid.

MIAMI, Florida this 5 day of ^{The} November, 2001.

Sam A. Leonard