

From: GEORGE BUTLER [georgembutler@hotmail.com]

Sent: 08 August 2011 17:20

To: Karl-Johan Gombrii

Subject: RE: CMI/Judicial Sales of Ships

DEAR MR. GOMBRII:

THE DOMINICAN MARITIME LAW ASSOCIATION (ADDM) HAS FOUND THE DOCUMENT "INSTRUMENT OF RECOGNITION OF FOREIGN JUDICIAL SALES OF SHIPS" AS VERY APPROPRIATE, EXCEPT FOR ARTICLE/POINT 14. OF THE DEFINITIONS, REGARDING THE DEFINITION OF "SHIP", WHERE WE HUMBLY UNDERSTAND THAT "SHIP" SHOULD BE DEFINED AS ANY SEA-GOING AND/OR RIVER GOING OR SEA PLACED AND/OR RIVER PLACED "VESSEL" , RATHER THAN ANY SEA-GOING "SHIP", THUS INCLUDING BARGES, TUGS, FLOATING RIGS AND ALIKE, NOT ONLY "SHIPS", WHETHER THEY TRADE/SAIL IN SEA WATERS AND/OR RIVER WATERS, SINCE THEY ARE ALL SUBJECT TO A MORTGAGE. AS YOU MUST BE FULLY AWARE, THERE IS A GENERAL PRINCIPLE THAT RULES THAT "THE NAME/SUBSTANTIVE OF THE DEFINITION SHOULD NOT BE INCLUDED IN ITS DEFINITION". HENCE, IN REGARDS TO THIS INSTRUMENT, "SHIP" SHOULD MEAN ANY VESSEL, MOTOR VESSEL, SAIL VESSEL, BARGE AND ALIKE, AS ALL OF THESE ARE QUITE CAPABLE OF BEING SUBJECT TO A MORTGAGE, A "HIPOTEQUE" OR AN "HIPOTECA" (ALL THESE TERMS MEANING THE SAME).

LIKEWISE, IN POINT 10. OF THE DEFINITIONS, THE WORDS "MORTGAGE" OR "HIPOTEQUE" ARE INCLUDED IN THE DEFINITION OF THE SAME. WE WOULD HUMBLY SUGGEST TO DEFINE THE SAME AS "IN REM ENCUMBRANCES" THAT FOLLOW THE VESSELS DESPITE OF THEIR OWNERSHIP.

ADDITIONALLY, POINT 9. OF THE DEFINITIONS ALSO IGNORES THE ABOVE MENTIONED GENERAL PRINCIPLE, INCLUDING THE WORD "LIEN" TO DEFINE "MARITIME LIEN". PERHAPS THE SAME COULD BE DEFINED AS "A PRIVILEGED CREDIT, ENCUMBRANCE OR LIEN RECOGNIZED AS A MARITIME LIEN...."

VERY RESPECTFULLY,

GEORGE M. BUTLER, LL. B.
PRESIDENT ADDM