

COMMANDO ACTION SAVES SHIP

In a dramatic pre-dawn action, the cargo ship *Patric M* was snatched from the clutches of judicial blackmail and piloted to safety by her owners. At 2 a.m. in the morning, the ship began a difficult maneuver — navigate without lights, tugs or pilot the narrow four mile passage that separated the ship from freedom. In 26 minutes she reached the seabuoy, and at 4 a.m. the ship crossed the 12 mile territorial boundary of Venezuela — well before the operation was detected at daybreak.

"With a court order that allowed gangsters to use our ship, it was time to act," said J.P. Maher, president of Morgan Price, the ship's management company. "Our lawyers, some of the best in Venezuela, did not see a legal solution to our problem for at least three months. Hostile forces were ready to take over our ship and carry salt, a highly caustic cargo, which would have ruined our vessel before we came to trial. We were hostage to a totally corrupt system of justice for which the only exit was a bold and decisive use of force," added Maher.

The *Patric M* had been illegally detained in Venezuela since May 17th. After a series of fraudulent legal actions, a judge ruled that opponents in a lawsuit could use the ship for profit without the consent or participation of owners.

Plans were in place to expropriate control of the ship and evict the crew on the morning of July 2nd.

Owners are planning a formal complaint against the Venezuelan government for abuse of power at the O.A.S., Organization of American States, court in Costa Rica. Charges for criminal misconduct and corruption are being filed against several attorneys, executives and judges in Venezuela.

The odyssey of the *Patric M* began on April 7, when she sailed from Peru laden with 3,100 tons of cargo for Colombia and Venezuela. The ship was chartered to Intercontinental Maritima S.A. (IMAR), a Peruvian company owned by Mr. Jose Gambetta. When the ship arrived at Venezuela, freight and demurrage were outstanding and owners held the cargo pending payment.

The charterers' agent, (also owned by Gambetta) obtained a court order forcing the ship to discharge. While still owing over \$80,000 in freight and demurrage the charterer embargoed the vessel for non-existent debt.

When the owners placed a cash bank bond to release the ship, the charterers' agent placed another fraudulent embargo on the ship. When owners refused to pay \$45,000 in blackmail and forgive freight and demurrage — now over \$140,000, the charterers' attorneys got a judge

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to declare the ship owners bankrupt and allow the boarding and physical occupation of the vessel. This bankruptcy action is totally illegal under Article 925 of the Venezuelan Commercial Code, which states that a Venezuelan court does not have jurisdiction over a foreign company.

Owners appealed the judge's jurisdiction in this case. Without ruling on jurisdiction the judge did rule that the charterers' agent in combination with a court trustee could operate the vessel for profit.

"This was the last straw," said Maher. "After fruitless appeals to several superior courts, to the Bar Association and to the president of the court system, we despaired of finding justice in Venezuela. Our only alternative was extra-legal action," concluded Maher. ■