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April 6, 2007

Brunswick Boat Group
Hatteras Yachts, Inc.
Attn: W. Allen McDonald
Assistant General Counsel
110 North Glenburnie Road
New Bern, North Carolina 28560

Paulee Coughlin Day, Esquire
Marine Max, Inc.
18167 US Highway 19 North, Suite 300
Clearwater, FL 33764

Re: 64C Hull 110 "Lady Di"

Dear Mr. McDonald and Ms. Day:

As you know, this firm represents the Lady Di Fishing Team, LLC, which closed on the purchase of the above-referenced yacht ("Lady Di" or the "Yacht") on September 30, 2006. Since closing, my client has suffered through an ongoing saga of mechanical breakdowns and seemingly incurable design defects, which have turned the happy occasion of buying a yacht into an absolutely miserable experience. They have had almost no use of the Yacht during this period of time. In fact, the Yacht has been in New Bern since the end of January as Hatteras has repeatedly tried to fix the most troublesome of her many problems.

As developed in extensive detail below, the Yacht has suffered from a defective Caterpillar ("CAT") starboard engine and design defects which (i) keep the bow too low in the water, causing excessive water over the bow, and (ii) create an intense "station wagon" effect that sprays water into the cockpit, flybridge and salon as well as coating the engine room with salt spray sucked through the air intakes. These problems, along with a plethora of other issues, began before the Yacht left New Bern and these problems have persisted through today.

EXHIBIT "9"

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OF COUNSEL

MICHAEL W. CREWS
(1941-1991)



The Delivery

Shortly after closing, the Yacht was moved from the Hatteras yard to the Sheraton New Bern for final preparations and punch list items before leaving. At that time, her Captain, Morris Campbell ("Captain Morris"), first noticed that the starboard engine was running rough and the CAT displays were showing uneven data when compared to the port engine. However, CAT told him that this was a normal occurrence and so, after a number of repair items were resolved, the Yacht and crew left for their home port in Boca Grande, Florida, on October 11, 2006.

The next day in the open ocean, Lady Di experienced a porpoising problem with the bow (even though she was in calm seas) and wetness in the cockpit, that was believed at the time to be caused by the installation of the wrong trim tabs, which had been flared at a 45 degree angle. After consultation with the Hatteras technician on board and Hatteras representatives in New Bern, Captain Morris was diverted to Charleston for repairs. In Charleston, the Yacht was hauled and the trim tabs were bent to remove the 45 degree angle. Captain Morris was then directed to proceed to Fort Lauderdale for further repairs on the Yacht, including the installation of the correct trim tabs and repair of the starboard engine, which continued to run rough and show uneven data.

On October 15th, off Fort Pierce, Florida, Lady Di's starboard engine problem further deteriorated. Captain Morris was directed to divert to Fort Pierce to address this problem. The problem was diagnosed as a fuel pump that needed replacement, which took a week to fix. Lady Di then traveled to Fort Lauderdale with a list of 15 repair items, including installation of the correct trim tabs, which were supposed to solve the porpoising and wetness problems.

On November 8th, two weeks after arrival, Lady Di finally left Fort Lauderdale on its way to Boca Grande via the Okeechobee Waterway. The next day, the Yacht was still experiencing a rough running starboard engine and vibration in the wheel, necessitating a stop in Stuart, Florida for hauling and inspection to ensure that continued operation would not cause any further damage. After consultation with Hatteras representatives, the representative determined that the vibration arose from the cutlass bearing, which would be replaced upon her arrival in Boca Grande. On November 11, 2006, Lady Di finally arrived in her home port of Boca Grande. With repairs, the 3 day trip from New Bern to Boca Grande had taken almost 6 weeks.

The Cutlass Bearing Fiasco

In order to replace the cutlass bearing, the Yacht had to be hauled. In trying to schedule a time for the haulout, Captain Morris discovered that the closest Hatteras agent who could make the repair, and who had done so previously with my client's 54 Hatteras, did not have the capability to haul a yacht the size of Lady Di. As a result, Captain Morris was directed to take the Yacht to an affiliated marina in St. Petersburg, Florida, which is 3 hours away. Before beginning this voyage, Captain Morris was assured by the service manager, Mauricio, that the St. Petersburg lift could handle up to a 20' beam (Lady Di's

beam was 19' 6"). Mauricio also said that he would order a cutlass bearing for overnight delivery.

When Captain Morris arrived at the St. Petersburg marina on November 20th, he was greeted by a basin that was almost too shallow for the Yacht and a lift that was not capable of hauling it out of the water. Moreover, Captain Morris learned that Mauricio had not ordered the cutlass bearing. Fortunately, they were able to locate an unaffiliated marina in Tampa that could actually haul Lady Di and a cutlass bearing in a nearby store's inventory. They were able to complete the repair by the end of the day. However, contrary to representations, Hatteras does not have an affiliated marina on the west coast of Florida that can haul Lady Di.

The Starboard Engine Ordeal

The starboard engine has had a myriad of problems, dating back to before delivery and continuing through today. In fact, more time has been spent trying to repair the starboard engine than was needed for its original manufacture. A brief chronology of this engine's problems is insightful:

10/5/06 Captain Morris first noticed the starboard engine running rough and uneven with the port engine. When he reported the problem, he was told the ECM had already been replaced and this was normal operation.

10/15-23/06 Lady Di was diverted on its delivery trip to Fort Pierce, Florida, for replacement of starboard engine fuel pump.

11/21-30/06 CAT repaired a newly discovered starboard engine turbo leak and oil pan leak. CAT also replaced the fuel pump, again. However, after testing, the starboard engine still lost its load and ran rough.

12/2/06 CAT found improperly connected hoses on the starboard engine, which, when repaired, appeared to resolve the problems of the engine running rough and losing its load.

12/10/06 The starboard engine's problems with rough running and maintaining load reappeared. A test run with CAT resulted in a coolant hose disconnecting and emptying into engine room.

12/13-15/06 The starboard engine continued to malfunction. CAT determined that the number 9 cylinder was "pouring" fuel into the crankcase and made further repairs.

12/20-22/06 Captain Morris called CAT to report excessive smoke from the starboard engine. CAT determined that one of the two camshafts had failed and was repaired. Other, unspecified damage was found and also repaired in process.

12/29/06 The starboard engine continued to run rough and emitted noticeably more black smoke than the port engine.

1/2/07 CAT representative determined that black smoke on the starboard engine was caused by another bad fuel injector. He recommended replacing all original fuel injectors.

1/3/07 CAT's representative, Tim Woods, called to say that Lady Di's problems were caused by poor dealer installation, not manufacturing defects, and that CAT had not had the "right" people on the Yacht to fix it.

1/9/07 CAT replaced remaining fuel injectors that had not already been replaced.

1/31/07 The overheating sensor alarm on the starboard engine malfunctioned on the Yacht's trip back to New Bern. The Yacht was diverted to Fort Lauderdale for repairs.

4/4/07 An Engine oil pan leak was discovered on the starboard engine and repair began.

While this list does not chronicle every problem with the starboard engine, it certainly demonstrates the gravity of the problem. To date, this engine has had low fuel pressure, a bad ECM, a turbo leak, an oil pan leak, a coolant leak, a gear oil leak, a racor header ball valve guide problem, bad fuel injectors dumping fuel in the crankcase with a resulting broken cam shaft, and another, newly diagnosed oil pan leak. By any standard, this engine is a lemon and my client is certainly justified in their complete lack of confidence that this engine will ever function reliably and safely.

The Cockpit, Flybridge and Engine Room Wetness Issue

This issue has confounded everyone involved at Hatteras since it was first reported. In all sea conditions, an annoying spray flows into the cockpit, flybridge and even up the back of the tower, apparently due to the vacuum created by the "station wagon" effect. It even gets into the salon when the door is open. These areas stay wet, making sitting uncomfortable, clothes damp, sunglasses useless and ruining books, magazines and other items. The problem also allows salt water to be dispersed into the engine room, which has no air filtration system, and causes extensive rust. This rust was evident when the Yacht first arrived in Boca Grande.

With respect to this issue, my client feels like they have been part of a science project with countless causation theories and proposed solutions that have been nothing short of maddening. Excerpts from various conversations and correspondence since delivery paint a troubling picture of the seriousness of the problem and Hatteras's struggles to deal with it effectively:

DATE	THEORY	THEORIST
10/12/06	The wrong trim tabs, which are bent at a 45 degree angle, are causing the wetness problem	Ron Lamm, Telephone Call
12/17/06	The wetness issue is an ongoing problem peculiar to the 64 that has several causes. Until recently, Hatteras had focused on the hawsers as the primary cause of the spray. They did not understand that the overflow exhaust in the transom cranks out more water than it should on the port side which hits the wall of green water and sprays the cockpit and bridge. They are going to use an infrared camera to confirm the exhaust is the source. Also, the water is rising too high on the gunnels, with some splash into the cockpit, and may require modifications to the spray guards. The wetness in the engine room will require a filter system and possible modification to the intakes to alleviate because they are too large.	Bruce Angel and Pat O'Neal, Sea Trial on board Lady Di
12/22/06	“There are 3 primary actions to facilitate drying out the cockpit. If you recall the port side by-pass exhaust was passing significantly more steam and water than the starboard side. We will address this disparity by adjusting the port raw water scoop to equalize (and ultimately reduce) the amount gas and water that is exiting the port side transom by-pass exhaust. Since we cannot eliminate that exhaust all together, we must facilitate keeping it from intersecting the vertical trailing flow of water from the transom. We have determined that the angle of the vertical water flow off of the outboard surfaces of the transom is approximately thirty degrees from the centerline of the boat. We will fabricate and install diverters inside the by-pass exhaust holes that will in effect deflect the exhaust flow to match with that of the trailing green water. This will not negatively affect the exhaust back pressure but will eliminate the upset in water flow thus reducing the mist and spray that is being drawn into the cockpit from the “station wagon effect”. Finally, we will re-fair the surfaces of the A/C discharge thru-hull fittings on port and starboard sides (approximately a foot forward of the spray rails) to eliminate the upset of leading green water flow. This will prevent upsetting the “wake” that is generated while underway.”	Pat O'Neal, 12/22/06 email
1/2/07	Hatteras has tested a 64 with plugged overflow exhaust discharge and it significantly reduced the spray.	Pat O'Neal, Phone Call
1/12/07	Thermal studies confirmed that the overflow exhaust was a "big contributor" to the wetness issue. They need to refine the scoops on the bottom of the boat to ensure that the maximum amount of exhaust is going out of the bottom.	Pat O'Neal, Conference Call
1/18/07	The 64 exhaust is similar but smaller than the 68 or 77,	Bruce Angel

	<p>which is increasing the pressure on the overflow exhaust and the water is shooting out instead of cascading out over the transom. When they did a thermal test and plugged the overflow exhaust, the wetness decreased by 35%. The new 60 will have a different exhaust that eliminates the underwater exhaust and gets back to the traditional exhaust out the transom. They want to install that system in the 64. This would eliminate the scoop underneath the boat, which acted as a trim tab and slowed the boat. They would need to significantly enlarge the overflow exhaust holes, which lowers the pressure and velocity of exhaust. They need to lengthen the quarter fender and remove the scoop in front of the current fender, letting it drain directly down the side of the boat. This will eliminate another source of spray. Bruce Angel said the underwater exhaust "backfired" but sales wanted it because they thought it was the next wave.</p>	<p>and Pat O'Neal, Conference Call</p>
1/31/07	<p>Lady Di representatives, at Hatteras's invitation, travel to Beaufort, North Carolina, for sea trial of the modified hull number 3, which has an exhaust system modified to open 14" circular exhausts out the transom and close the underwater exhausts, just like the new 60. This was supposed to eliminate the pressure in the exhaust that was causing the water discharge to hit the green water wall and spiral upward into the vortex and then into the cockpit and flybridge. However, the spray was still a problem. When the boat turned into the wind in a 3-4 foot sea, water began coming over the transom and into the cockpit. This change in the exhaust really had no affect on the wetness. Bruce Angel stated that they would next try side exhausts. Angel also said the underwater exhaust retrofit on the 54 had failed and the 3 boats with that exhaust would also be retrofitted.</p>	<p>Bruce Angel and Pat O'Neal on board 64 Hull No. 3, the "Test Boat"</p>
3/7/07	<p>Hatteras has hired outside experts to help with the wetness problem and have had 2 engineers working on this problem full time. The most recent testing over the previous weekend still had spray coming into the cockpit in some wind conditions. They are next focusing on installing strakes on the bow to further deflect water.</p>	<p>Jan Boone, Telephone Call</p>
3/15/07	<p>The wetness issue in the cockpit remains with the fighting chair area wet after their run in 2-3 foot seas, even after installation of the strakes. They are "scratching their heads" trying to figure out what to do next. They are removing the spray rails on hull 103 for testing today.</p>	<p>Roger Weatherington, Telephone Call</p>
3/20/07	<p>Hatteras meets with air filtration vendor for retrofitting the 64. Hull 3 was to undergo additional testing with higher spray rails. In addition, the most recent testing determined (again) that the exhaust was one of the sources of the spray.</p>	<p>Roger Weatherington, Telephone Call</p>

3/23/07	Bruce Angel states that the wetness issue was as good as it was going to get and dryer than the 54 at the factory. They had moved the exhaust water from the generator and air conditioning under the boat because the water in the cockpit was coming from these sources and not the exhaust overflow, which they had plugged and subsequently experienced the same wetness. The mezzanine did not get any spray on a calm day and the spray strakes and quarter fenders (extended from 10 feet to 12 feet and moved 4" higher), which were added to our boat, helped the spray problem in heavier seas. However, there was still exhaust vapor coming into the cockpit in a head wind. They wanted to test an air filtration system for the engine air intake to filter salt water and air. Otherwise, the boat will be ready to test by 3/29/07. Bruce said there were 8-9 people working on the test boat (hull 3) and on Lady Di.	Jan Boone, Bruce Angel and Roger Weatherington, Conference Call
3/27/07	Bruce Angel conducts another sea trial on Lady Di. He states that the water in the cockpit was improved and was not getting the mezzanine and back salon window wet but he was still not satisfied with the boat. He said the filtration system shouldn't be needed if they did their job. He said the exhaust vapor will whip back into the cockpit in even a slight head wind but did not contain particulates. He also said that the cockpit was dry but if you stood in either corner that your body would cause the station wagon effect to pull spray into the cockpit. Bruce also said that the higher quarter fender was helping to keep water from coming all the way up the side of the boat and spraying on the gunnel. As a next step, they contemplated going to the University of Michigan for wind tunnel testing but had decided to skip that step and to cut the wingboards off the test hull to see if that solved the problem. Jan Boone stated that they had just received a report that the new 60 was experiencing the same issue. She also said the 68 had some wetness issues but Hatteras had not received any complaints, unlike the 64.	Jan Boone, Bruce Angel and Roger Weatherington, Conference Call
3/28/07	Jan Boone was on board the test boat for about 4 hours of river and ocean testing (in 3 foot seas) and reported that cutting off the wingboards solved the spray and exhaust issues in the cockpit. They are still trying to have Lady Di ready by April 4 th and will forward some drawings of the redesigned wingboard. Bruce Angel has again decided not to put the air filtration system on the boat.	Jan Boone, Telephone Call
4/3/07	Jan Boone reports that she had spent several hours on Lady Di and had experienced the mist when it was running between 17 and 24 knots. She felt the running angle was	Jan Boone, Telephone Call

	different than the test boat and they were going to modify the running angle the next day.	
4/4/07	4/4/07 Bruce Angel operated the Yacht for several hours in the river, with a 15-20 mph wind and experienced no spray. Angel stated it was "as dry as any boat we build" and there has been a "drastic improvement" in the boat. There was pollen in the fighting chair and the pollen was still there when they returned to the dock (note: this couldn't have been Lady Di because its fighting chair is not installed.). Jan Boone stated that they have become too sensitive to the mist when asked what happened between yesterday and today. They are also going to install the air filter.	Jan Boone, Bruce Angel, Telephone Call

So in summary, the wetness issue has been the subject of more theories than global warming. First, the spray was caused by the hawsers. Then the overflow exhausts were the culprit, which was confirmed by thermal studies. This would be resolved by adjusting the underwater scoop and angling the overflow exhausts to parallel the green water, while relocating the air conditioning discharge. Next was the theory to eliminate the underwater exhaust system and retrofit the 64 with the new 60's exhaust system and the traditional larger transom exhausts, which would eliminate the scoop and improve performance. My client experienced the collapse of this theory in person on a failed trip to Beaufort for a sea trial under the guise of proving that the Yacht was dry.

After the sea trial, the theory de jure was side exhausts, which did not last long before outside experts arrived and new theories were promulgated. Strakes on the bow were added as the focus shifted to water coming from the bow. After some more head scratching, the spray rails were removed. Further testing determined that the spray rails should be reinstalled but at a higher location. The exhaust overflow was again confirmed as the source of the problem.

A few days later, the exhaust water from the generator and air conditioning were relocated under the boat because the water in the cockpit was now coming from these sources and not the exhaust overflow, despite countless thermal tests that had previously reached the opposite conclusion. Even though there was still exhaust vapor coming into the cockpit in a head wind, the wetness problem was declared as good as it was going to get. Hatteras just needed to test an air filtration system for the engine air intake to filter salt water and air and the Yacht was fixed.

Four days later, the exhaust vapor was re-declared a problem and standing in the corner of the cockpit amplified the station wagon effect. The new solution was to cut the wingboards off. The wingboard removal was deemed an immediate success and no air filtration system was now needed. Six days later, a new report stated that the problem persisted and then, the next day, a second declaration that it was fixed and as good as it was going to get. The Lady Di was pronounced ready for another sea trial.

Bow Spray

The Yacht was designed without enough rise in the bow, which in turn has caused excessive spray coming over the bow. It also tends to sit a little lower in the water than the 68. In moderate seas, the boat porpoises and water hitting the flybridge curtains blinds the captain. Modifications to the Lady Di tunnels have been made, although not exactly the same as the test boat, hull no. 3, and not yet sea trialed. The trim tabs were again modified to fit the modified tunnel.

Diminution in Value

Based upon our research, the 64 Convertible appears to be a technical and marketing disaster for Hatteras. Current market research indicates that the 64 Convertible has already earned a bad reputation in the boating community as an undesirable, "wet" boat. We have been told by two independent brokers that in order to sell a boat like Lady Di, my client would need to offer very aggressive pricing to even get someone interested. Interestingly, neither one of them indicated any interest in listing the Yacht. Also, a check of Yachtworld.com finds two 64's for sale, one almost identical to Lady Di and offered at a firesale price. My client has clearly suffered a diminution in value from Hatteras's design defects in the Yacht and corresponding damage to both the model's and Hatteras's image.

Expenses

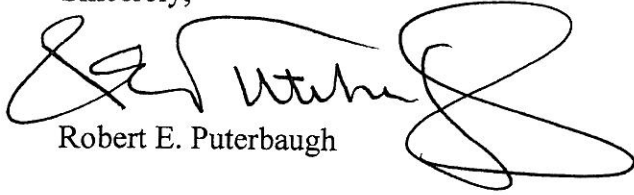
My client has previously provided you with a list of expenses incurred in connection with the purchase of Lady Di, including interest on the purchase price since delivery. Even if the numerous problems plaguing Lady Di are ever resolved, we must have these expenses resolved before the Yacht is returned to Boca Grande. Moreover, we also need to discuss the diminution in value suffered as a result of Hatteras's mismanagement of this situation and damage to the 64's image in the marketplace, and the attorneys fees my client has had to incur to try to bring this saga to a conclusion.

It is still not clear that the problems which have plagued Lady Di have been solved or will ever be solved. My client is preparing to travel, once more, to North Carolina, to determine the progress which has been made. I think it is fair to state that my clients have given Hatteras more than enough time to resolve all the issues with this Yacht. This will be the final trip.

I would also ask you to ensure that all internal and external records and documents of any kind pertaining to the sale of this Yacht to my clients and the attempts to resolve the numerous problems, are retained and preserved, in the event they are later necessary. Likewise, I would request that all internal and external records and documents of any

kind relating to the manufacture and design of the 64 Hatteras, including, but not limited to records pertaining to problems similar to those set forth in this letter, be preserved as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Puterbaugh". The signature is stylized with large loops and a long horizontal stroke.

Robert E. Puterbaugh

cc: Lady Di Fishing Team, LLC

Ms. Jan Boone, Vice President/Sales, Hatteras Yachts, Inc.

Mr. William H. McGill, Jr., Chairman, President & CEO, Marine Max, Inc.