

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES R. ZAZZALI, as Trustee for the )  
DBSI Private Actions Trust, )

Plaintiff, )

v. )

C.A. No. 12-828 GMS

ALEXANDER PARTNERS, LLC, et. al. )

Defendants. )

**DECLARATION OF AMANDA C. YANIK**

I, Amanda C. Yanik, declare:

1. I am over 18 years of age. Except where otherwise stated, I have personal knowledge of the facts set forth below and, if called to testify, I could and would testify competently thereto.
2. I am an employee in the law firm of Hull Evans & Kob LLP, which represents Jeffrey Augspurgen, Tod Billings, Trent Bryerly, Scott Cavey, Allan Crumes, Ron Davies, Tim Duma, Mike Eden, David Kowalski, Robert Kuh, Chris Miller, Michael Myers, Dwain Owens, Mark Pearson, Royce Ruth and Cory Thomas.
3. This declaration is submitted in support of the Opening Brief in Support of Jeffrey Augspurgen, Ron Barton, Tod Billings, Trent Bryerly, Scott Cavey, Allan Crumes, Ron Davies, Tim Duma, Mike Eden, David Kowalski, Robert Kuh, Michael Myers, Dwain Owens, Mark Pearson and Royce Ruth's Motion to Dismiss Amended Complaint for Improper Venue.



4. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2008 Notes Corporation, dated January 7, 2008, on the Idaho Secretary of State website, within the “Search for Business Entities” category.
  - i. I searched for the following terms :
    - i. “DBSI 2008 Notes”
    - ii. Attached hereto as Exhibit A is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI 2008 Notes”.
5. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Chattahoochee LLC, dated May 17, 2005, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.
  - i. I searched for the following term:
    - i. “DBSI Chattahoochee”
    - ii. Attached hereto as Exhibit B is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI Chattahoochee”.
6. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2005 Secured Notes Corporation, dated July 28, 2005, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.
  - i. I searched for the following term:
    - i. “DBSI 2005 Notes”
    - ii. Attached hereto as Exhibit C is a true and correct copy of the two (2) pages that resulted from the search with the term “DBSI 2005 Notes”.



- iii. Attached hereto as Exhibit C-1 is a true and correct copy of the “Articles of Amendment” that states that the name of DBSI 2005 Secured Notes Corporation was changed from DBSI 2005 First Mortgage Corporation, effective July 29, 2005.
7. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI 2006 Land Opportunity Fund LLC, dated April 11, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.
  - i. I searched for the following term:
    - i. “DBSI 2006 Land”
    - ii. Attached hereto as Exhibit D is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI 2006 Land”.
8. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2006 Secured Notes Corporation, dated September 12, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.
  - i. I searched for the following term:
    - i. “DBSI 2006 Notes”
    - ii. Attached hereto as Exhibit E is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI 2006 Notes”.
9. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI 2007 Land Improvement and Development Fund LLC, dated August 9, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.



- i. I searched for the following term:
  - i. “DBSI 2007 Land”
  - ii. Attached hereto as Exhibit F is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI 2007 Land”.
  - iii. Attached hereto as Exhibit F-1 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name of DBSI Stage 3 Development Fund LLC was changed to DBSI Stage 3 Multi-Family Development Fund LLC, effective August 29, 2006.
  - iv. Attached hereto as Exhibit F-2 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name of DBSI Stage 3 Multi-Family Development Fund LLC was changed to DBSI 2007 Land Improvement & Development Fund LLC, effective January 4, 2007.
10. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Buckley and 120<sup>th</sup> LLC, dated June 28, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.
  - i. I searched for the following term:
    - i. “DBSI Buckley”
    - ii. Attached hereto as Exhibit G is a true and correct copy of the one (1) page that resulted from the search with the term “DBSI Buckley”.
11. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Carrollton East LLC, dated



September 12, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Carrollton”
  - ii. Attached hereto as Exhibit H is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Carrollton”

12. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Chambers and Hess LLC, dated November 1, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Chambers”
  - ii. Attached hereto as Exhibit I is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Chambers”

13. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Copenhaver Road LLC, dated February 12, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Copenhaver”
  - ii. Attached hereto as Exhibit J is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Copenhaver”



14. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Highway 60 LLC, dated December 7, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

i. I searched for the following term:

i. “DBSI Highway 60”

ii. Attached hereto as Exhibit K is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Highway 60”

15. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Kettering Road LLC, dated March 1, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

i. I searched for the following term:

i. “DBSI Kettering”

ii. Attached hereto as Exhibit L is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Kettering”

iii. Attached hereto as Exhibit L-1 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name was changed from DBSI State Road 50 LLC to DBSI Kettering Road LLC, effective July 11, 2007.

16. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Kings Highway North LLC, dated



February 12, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Kings North”
  - ii. Attached hereto as Exhibit M is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Kings North”

17. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Kings Highway South LLC, dated February 12, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Kings South”
  - ii. Attached hereto as Exhibit N is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Kings South”

18. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Loop 1604 LLC, dated May 9, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Loop 1604”
  - ii. Attached hereto as Exhibit O is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Loop 1604”



19. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI New Hampstead II LLC, dated November 1, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Hampstead II”
- ii. Attached hereto as Exhibit P is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Hampstead II”

20. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI North Austin LLC, dated August 1, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI North Austin LLC”
- ii. Attached hereto as Exhibit Q is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI North Austin LLC”
- iii. Attached hereto as Exhibit Q-1 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name was changed from DBSI State Highway 45 LLC to DBSI North Austin LLC, effective August 3, 2007.

21. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI North Austin II LLC, dated August





1, 2007, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI North Austin II”
  - ii. Attached hereto as Exhibit R is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI North Austin II”
  - iii. Attached hereto as Exhibit R-1 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name was changed from DBSI State Highway 45 II LLC to DBSI North Austin II LLC, effective August 3, 2007.

22. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI Real Estate Funding Corporation, dated December 2, 2002, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Real Estate”
  - ii. Attached hereto as Exhibit S is a true and correct copy of the 3 (three) pages that resulted from the search with the term “DBSI Real Estate”

23. I performed a search of, on information and belief, a true and correct copy of the Articles of Organization Limited Liability Company of DBSI Short-Term Development Fund, dated January 26, 2006, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI Short-Term”



- ii. Attached hereto as Exhibit T is a true and correct copy of the 1 (one) page that resulted from the search with the term “DBSI Short-Term”
- iii. Attached hereto as Exhibit T-1 is a true and correct copy of the Articles of Amendment to Articles of Organization Limited Liability Company that states that the name was changed from DBSI Broken Arrow LLC to DBSI Short-Term Development Fund LLC.

24. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2001A Funding Corporation, dated March 15, 2001, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

- i. I searched for the following term:
  - i. “DBSI 2001A”
- ii. Attached hereto as Exhibit U is a true and correct copy of the 3 (three) pages that resulted from the search with the term “DBSI 2001A”

25. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2001B Funding Corporation, dated June 20, 2001, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.

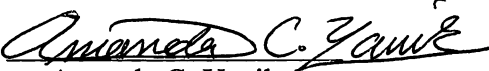
- i. I searched for the following term:
  - i. “DBSI 2001B”
- ii. Attached hereto as Exhibit V is a true and correct copy of the 3 (three) pages that resulted from the search with the term “DBSI 2001B”

26. I performed a search of, on information and belief, a true and correct copy of the Articles of Incorporation of DBSI 2001C Funding Corporation, dated December 7, 2001, on the Idaho Secretary of State web site, within the “Search for Business Entities” category.



- i. I searched for the following term:
  - i. "DBSI 2001C"
- ii. Attached hereto as Exhibit W is a true and correct copy of the 3 (three) pages that resulted from the search with the term "DBSI 2001C"

I certify under penalty of perjury under the laws of California that this affidavit was executed in Tustin, California on March 14, 2014 and that the foregoing statements are true and correct.

By:   
Amanda C. Yanik

