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DECLARATION OF PETER M. DOWNING

The Undersigned, Peter M. Downing, DECLARES that the following is true and correct and of my own knowledge except where stated upon information or belief, and in such cases, I have been so informed and do believe. Further, if called upon to testify about the same I could do so competently and credibly.

1. My name is Peter M. Downing, and I am a Real Estate Broker at Fidelity National Mortgage Corporation located at 1535 East 17th Street, Santa Ana, California 92705.

2. I am providing this DECLARATION in support of Mr. Benninghoff.

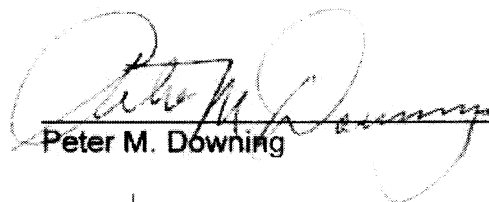
3. After I received an accusatory pleading from the State of California, I shortly thereafter received brochures and letters in the mail advertising the availability of the sender to represent me before my licensing agency.

4. Included among those brochures and letters was an advertisement from Mr. Benninghoff. His advertisement did not in any significant way vary from those that I received from others. In his letter and brochure he clearly stated that he was not a lawyer and, in fact, he wrote that he had resigned from being a lawyer so I had no delusion that I was hiring someone who was a lawyer.

5. I have thrown away all of the advertisements that I received because I hired Mr. Benninghoff to represent me. Therefore, I'm unable to provide a copy of what I received.

I declare under penalty of perjury under the laws of the State of California that the above-stated is true and this declaration is signed under penalty of perjury.

Date: 5-20-05


Peter M. Downing