

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

R.J. ZAYED, IN HIS CAPACITY AS
COURT- APPOINTED RECEIVER FOR
TREVOR G. COOK, ET AL.,
Petitioner,

Case No. 11-CV-01042 SRN/FLN

vs.

DAVID BUYSSE, STEVEN AND
PAMELA CHENEY, WALTER DEFIEL,
JOHN DZIK, TERRY FRAHM,
STEVEN AND JENENE FREDELL,
WILLIAM HARRIS, MICHAEL HEISE,
MICHAEL AND CYNTHIA HILLESHEIM,
LARRY HOPFENSPIRGER, STEVEN
KAUTZMAN, JAMES MCINTOSH,
GEORGE AND KAREN MORISSET,
AND REYNOLD SUNDSTROM, AND
DOT ANDERSON,

Respondents.

DECLARATION OF JAMES MCINTOSH

I, James McIntosh, hereby declare:

1. I never requested that Clifford Berg act as my agent, and Clifford Berg never agreed to act as my agent. I did not believe that Clifford Berg would act as an independent agent on my behalf, and Clifford Berg never led me to believe that he would act as an independent agent on my behalf outside of his duties as an employee of the Cook Currency Entities. I never believed I had the ability to control Berg's actions as

they related to my accounts other than I expected him to convey any instructions I gave him to the appropriate parties who had the knowledge or authority necessary to perform whatever action I needed taken, nor did Berg ever tell me that he was assuming any fiduciary duty to act on my behalf in any capacity.

I state under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2012.

s/James McIntosh
James McIntosh