

HONORABLE JOHN P. ERLICK
Hearing Date: Friday, November 6, 2009
Hearing Time: 9:30 a.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROBERT M. ARNOLD, derivatively on
behalf of MOD SYSTEMS, INC. and
BANANA CORPORATION,

Plaintiffs,

v.

MARK PHILLIPS, KENNETH GORDON,
JANDE DOE GORDON, and the marital
community composed thereof; ANTHONY
BAY, JANE DOE BAY, and the marital
community composed thereof; MOD
SYSTEMS, INC. and BANANA
CORPORATION,

Defendants.

NO. 09-2-07963-3 SEA

DECLARATION OF MAUREEN
LOWER

MAUREEN LOWER declares under penalty of perjury of the laws of the States of
Washington as follows:

1. My name is Maureen Lower and I am over the age of 18. The facts stated herein are
of my own personal knowledge and I am competent to testify thereto.

2. From 1998 through June of 2007, I was a personal assistant to Robert Arnold. I was
authorized to sign on both his personal and business accounts at Seafirst (later Bank of
America).

DECL. OF MAUREEN LOWER - 1

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1 3. During the time I was working for Mr. Arnold I wrote and signed an estimated
2 \$35,000,000.00 in checks to various companies and individuals including checks to Julia de
3 Haan's accounting firm Moss Adams.

4 4. I reviewed Ms. de Haan's declaration regarding the checks delivered to Mark
5 Phillips. As stated, I was authorized to sign for Mr. Arnold and I wrote checks to MOD
6 Systems and Banana Corporation. The checks were written in response to authorized capital
7 calls based upon Mr. Arnold's investment in Banana and MOD Systems.
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9 5. When I retired in 2007, I facilitated the transfer of signing authority to my
10 replacement Christy Wise.
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12 DATED THIS 30 day of October, 2009.
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15 MAUREEN LOWER
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