

# **TRO Exhibit 6**

**DECLARATION OF LYNDA BOYES**

Pursuant to 28 U.S.C. §1746

1. My name is Lynda Boyes and I reside in Prince George, British Columbia, Canada. The following facts are known to me personally and if called as a witness I could and would competently testify thereto.

2. In November of 2008, I received a phone call from a man who claimed to represent a financial institution called Mutual Consolidated Services ("MCS"). He told me that MCS could save me money by could reducing the interest rates on my credit cards. He began telling me all about this service that MCS offered, what a great deal it was, and how much money I could save. He talked quickly and more or less non-stop, and I had trouble getting a word in edgewise.

3. He was very friendly but also very insistent and I tried several times to interrupt him. I was under a lot of stress at the time due to a family emergency, and I did not want to stay on the line when I was in a hurry to get out the door to travel to visit an injured family member in another province. I didn't want to be rude but I finally told him I had to get off the line and I just wasn't interested in MCS's services at the present time.

4. I remember clearly how the MCS representative responded at that point. He said, "That's alright. I have all of your information here anyway." I assumed he meant that he had my contact information and would call me some time in the future to try again to sell the services. We ended the call and I didn't think much more about it.

5. A few weeks later, in early December of 2008, my husband received a call that I'm certain was from the same MCS representative. He gave my husband the same sales pitch and was again quite pushy. My husband told the man that he was absolutely not interested.

6. A little later in December of 2008, I was on-line looking at the statement for my Royal Bank of Canada credit card and I saw that there was an unexpected charge. I believe the charge was \$1,321.15 Canadian. The charge was identified as coming from "MUTUAL CONSOLID 800-94 WA". I immediately called up my bank and cancelled that card, and asked them to charge back the \$1,321.15 as I had not authorized it. The bank representative agreed to do this. I received the new credit card with a new number some time in the next few weeks.

7. On March 17 of 2009, I saw on my on-line statement that the \$1,321.15 charge from MCS had been applied to my new Royal Bank card on March 3, 2009. When I saw the charge I called the bank, and they told me that MCS had resubmitted the charge. They said that I would have to go through the formal dispute process in order to get the money returned to my account. They agreed to extend the dispute period and fax me some paperwork to sign. A true and correct copy of the Royal Bank "Disputed Transactions" form is attached to this declaration as Exhibit A.

8. On March 31 of 2009 I received a phone call from someone named David DeShazo at MCS. He asked for my fax number, and said that MCS would be refunding my money once I signed and faxed back a required document. He sent me a fax soon after this conversation. The fax included a letter saying that MCS would refund my credit card \$995 (I assume they are referring to U.S dollars) if I signed a statement that would then be given to Royal Bank. The statement, which followed the two paragraph letter, stated that the charge from

MCS was not fraudulent, that I was fully aware of the charge beforehand, and had agreed to it. The accompanying letter says, "In order to process this request we will sign and return this form for monies to be received." A true and correct copy of this fax is attached to this declaration as Exhibit B.

9. My first impression was that they were trying to get me to lie in order to get my refund. This makes me angry and I have no intention of signing the statement - it is completely false. I will not be bullied into lying in order to obtain the refund that I fully deserve. I obviously was not aware that MCS was going to charge my credit card, I did not agree to purchase their services, and I do in fact believe that the charge was fraudulent.

10. I am still in the process of trying to obtain a refund from Royal Bank. This experience has been difficult and stressful and I feel that I've been defrauded. I never authorized MCS to charge this money to my credit card, in fact I did not even give them my credit card number. I never did receive any materials in the mail regarding MCS's program.

I swear or affirm under penalty of perjury that to the best of my knowledge and belief the foregoing is true and accurate.

Dated: April 4, 2009

Lynda Boyes  
Lynda Boyes



March 17, 2009

Attention: Security Department

Account Number: [REDACTED]

Primary Name: LYNDA CLAIRE BOYES

**DISPUTED TRANSACTIONS**

Date	Amount	Merchant
1.1122 F	1,321.15	24803908328010000236312T MUTUAL CONSOLID 800-94 WA
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

With reference to the charge(s) listed above, I hereby declare I did not make nor authorize this (these) transactions:

Signature

Secondary User Signature



# Mutual Consolidated Savings

## FAX COVER SHEET

3/31

Transmittal To:

Finance:

Attention: Lynda Cla Boyes

Transmittal From:

MUTUAL CONSOLIDATED SAVINGS

Contact Person: David DeShazo

Number of Pages: 3

Comments: my fax # is 1-877-669-8864

Rated 5.1 in customer service

1215 Lakeside Dr, Suite 300  
Tacomah, WA 98406  
TEL: 800.943.3250  
FAX: 877.669.8864

**PLEASE SIGN BOTH SIDES  
WITHIN THE SIGNATURE  
LINES**

Account: ~~XXXXXXXXXX~~

Mutual Consolidated Savings  
1215 EARNEST S BRAZIL BLDG 33  
TACOMA, WA 98405

SALE \$995.00 USD

Transaction Date 11/22/2008

Description of Merchandise:  
General Merchandise/Services  
MCC:239

VISA	\$995.00 USD
Card Number <del>XXXXXXXXXXXX</del>	Exp. Date <del>XXXX/XXXX</del>

TOTAL \$995.00 USD

I AGREE THAT I HAVE PAID THE ABOVE  
TOTAL AMOUNT ACCORDING TO THE  
CARD ISSUER AGREEMENT.

X \_\_\_\_\_  
LYNDA CLA BOYES\*\*

\*\*This amount was paid on 11/22/2008.

Mutual Consolidated Savings  
1215 EARNEST S BRAZIL BLDG 33  
TACOMA, WA 98405

CREDIT \$995.00 USD

Transaction Date 03/31/2009

Description of Merchandise:  
General Merchandise/Services  
MCC:239

VISA	\$995.00 USD
Card Number <del>XXXXXXXXXXXX</del>	Exp. Date <del>XXXX/XXXX</del>

TOTAL \$995.00 USD

I AGREE TO RECIEVE THE ABOVE  
TOTAL AMOUNT ACCORDING TO THE  
CARD ISSUER AGREEMENT.

X \_\_\_\_\_  
LYNDA CLA BOYES

04/01/2009 12:40 FAX

03/31/2009 15:49

8776699864

MCS MCF

003  
PAGE 03/03



# Mutual Consolidated Savings

March 31, 2009

Lynda Cla Boyes

Prince George, BC V2K 5G3

**BANK OF AMERICA DISPUTES DEPT**

RE: Order ID 91426

ACCT# [REDACTED]

To whom it may concern;

This letter is in reference to the above listed order number and membership with Mutual Consolidated Savings. In accordance with the previous conversation between Mrs. Boyes and myself, we have agreed to credit her account in the full amount of \$995.00, and cancel her membership as soon as any disputes are discontinued. She was aware of the charge when it was placed and was in full possession of said card. She has since decided to cancel services with our company. We are accepting this request and will refund the account in full.

In order to process this request we will sign and return this form for monies to be received. This statement was agreed to, and will be accepted by both parties. (notate signatures) All monies will be credited back to his account as soon as this letter has been processed through our mutual merchants.

Respectfully,

Kat Steigerwalt  
Merchant Account Supervisor  
Mutual Consolidated Savings

**I, Lynda Cla Boyes, would like to explain that I agreed to allow Mutual Consolidated Savings to charge my card originally. I was in full possession of my own credit card at the time of this charge. This charge is not fraudulent but I no longer wish to continue with their program and am giving them the opportunity to correct this misunderstanding.**

Lynda Cla Boyes Order ID 91426

1216 Ernest S. Brazil St. SU  
Tacoma, WA 9  
TEL: 800.843.  
FAX: 877.669

Visit us online at: [www.mcsprograms.com](http://www.mcsprograms.com)