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IN THE THIRD DISTRICT COURT, SALT LAKE DEPARTMENT

IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

IN THE MATTER OF THE UNITED
EFFORT PLAN TRUST, (Dated November
9, 1942, Amended April 10, 1946, and
Amended and Restated on November 3,
1998); and its TRUSTEES, including known
trustees TRUMAN BARLOW, WARREN
JEFFS, LEROY JEFFS, WINSTON
BLACKMORE, JAMES ZITTING and
WILLIAM E. JESSOP a/k/a WILLIAM E.
TIMPSON AND DOES TRUSTEES I
THROUGH IX.

DECLARATION OF
JAMES C. BRADSHAW

Case No. 053900848
(Judge Denise P. Lindberg)

I, JAMES C. BRADSHAW, declare as follows:

1. I am an attorney licensed to practice law in the State of Utah, and I am employed by the law firm of Brown, Bradshaw & Moffat, L.L.P.
2. I entered an appearance of counsel in this matter on September 22, 2008.
3. Since being retained in this matter I have attempted to become familiar with the prior pleadings and issues of this case.
4. On Friday, November 7, 2008, counsel for the Special Fiduciary confirmed Bruce R. Wisan, the appointed Special Fiduciary, was willing to appear and provide two hours of

deposition time prior to the court's hearing. The limited deposition took place on November 11, 2008.

5. I spent the weekend of November 9-10, 2008, reviewing the extensive filings and reports that are a part of the history and case file for this matter and conducted the deposition on November 11, 2008.

6. There are a number of facts that were uncovered in the course of preparing for and conducting that deposition that have led me to conclude that there is a conflict of interest based upon those facts and others. After the deposition I have concluded that I must file the accompanying motion. I was not aware of many of the vital facts underlying this motion until I prepared for and questioned Mr. Wisan. Some of these facts that came to light include:

a. A \$10,000 payment was made by the Diversity Foundation to the Special Fiduciary as "start up" costs for legal and other fees in the administration of the trust.

b. Although several legal actions spurred by Diversity and their counsel were brought in the name of the individual plaintiffs, in every instance the real party in interest was in fact Diversity Foundation, which paid the attorneys fees and all expenses, made the decisions as to the course of litigation, and which also owns the rights to a portion of the recovery from the lawsuits.

c. Diversity Foundation was a moving force in the intervention of the Attorneys General and submitted a recommendation that Mr. Bruce R. Wisan be selected as the court's Special Fiduciary.

7. I am aware from my conversations with FLDS members and from reviewing the pleadings, reports, and tax returns that Smiles for Diversity is also known as Diversity Foundation.

8. I have reviewed the billings of the Special Fiduciary and its counsel which reveal that Diversity Foundation and the Special Fiduciary spent considerable effort in negotiating and coming to an agreement whereby both could use Sam Brower as their investigator. These billings include the discussion of an 80/20 split of obligation. Although Mr. Wisan has denied coming to such an agreement, he submitted billings to this court subsequent to these negotiations in which he is compensated for the work of Mr. Brower. I have reviewed Diversity Foundation's IRS Forms 990 which reveal that Mr. Brower was at all relevant times also engaged full time by Diversity Foundation.

9. Pursuant to my representation, I have had an opportunity to meet many residents of the Colorado City and Hildale areas. These residents are for the most part adherents to the FLDS faith.

10. These residents have come to believe that there is an urgent need for members of their community to become actively engaged in these various legal matters and to fight what is perceived to be a war upon their beliefs and way of life.

11. It is my perception that Diversity Foundation is viewed by many within the FLDS community as a hate group dedicated to destroying their church. Diversity Foundation has actively recruited former FLDS members to sue the FLDS Church with the aid its counsel, Roger Hoole, Gregory Hoole and the law firm of Hoole & King.

12. Also, upon entering an appearance in this case, I have had the opportunity to review orders, transcripts, audio tapes and transcripts of court proceedings and other documentation regarding this matter. In doing so, I have formed the belief that:

a. Judge Lindberg is biased against members of the FLDS faith.

b. Judge Lindberg has employed an inconsistent policy regarding the participation in proceedings by denying standing to FLDS members while inviting other non-FLDS persons seemingly unlimited access to participate in the Trust probate proceedings.

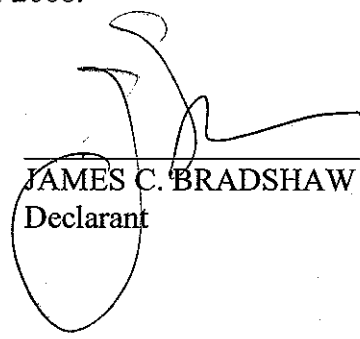
c. In reforming the trust, Judge Lindberg has approved a plan in which those beneficiaries with an alliance with the FLDS church are ineligible to receive fee title to their property while beneficiaries prepared to forswear allegiance to the faith are provided outright deeds.

d. I have come to believe that she is willing to consider the claims of the Special Fiduciary without question. Specifically, the Court seems to have fully embraced an incomplete version of the events surrounding the administration of the trust probate proceedings

e. I have come to believe that due to her special relationship with the reformation of this Trust, she has become not an impartial jurist, but an interested party in the matter.

13. Additionally, the recently discovered conflict of interest between the Special Fiduciary and Diversity Foundation illuminates additional judicial impropriety on the part of Judge Lindberg in failing to ensure the integrity of the process and the fair protection of all Trust beneficiaries and the court's allowance of these proceedings to be controlled by collusive parties.

DATED this 12 day of November 2008.



JAMES C. BRADSHAW
Declarant

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November 2008, a true and correct copy of the foregoing Declaration of James C. Bradshaw was delivered via electronic mail and/or hand delivery to:

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