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April 29, 2004

Via Fax

Niall McCarthy, Esq.  
Cotchett Pitre Simon & McCarthy  
San Francisco Airport Office Center, Suite 200  
840 Malcolm Road  
Burlingame, CA 94010  
Fax # 650-697-0577

Re: Fairbanks

Dear Mr. McCarthy:

I am sorry for the delay in getting these documents to you.

I enclose a copy of my client's payoff quote from August 2001, as well as some recent comp sheets for properties very similar to the one my client lost through foreclosure.

As you can see, while my client's principal amount borrowed was only \$72,274, Fairbanks demanded the amount of \$110,487, and sold his property at foreclosure for that amount. His property has since increased in value to approximately \$180,000. The \$70,000 in appreciation would have been Mr. Weinstein's absent the foreclosure, and therefore should be considered part of his damages proximately caused by the wrongful foreclosure. To the extent that the class action settlement does not provide for inclusion of loss of capital appreciation as part of damages for foreclosure victims, I am afraid we are going to have to pursue our objection as far as necessary. There is no excuse for leaving this significant element of damages out of the calculation.

My client's total damages are approximately \$110,000 (\$70,000 in foregone capital appreciation, and \$40,000 in improper finance charges). If there is some way to make my client whole, please let me know. Otherwise, I will see you at the fairness hearing.

Sincerely,

  
John Pentz

enclosures