

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
)	
DBSI INC., et al.	)	Case No. 08-12687 (PJW)
)	
	)	Re: D.I. 1276
)	
Debtors.	)	Proposed Hearing Date:
	)	March 13, 2009 at 9:30 a.m.

**JOINDER OF THE STATE OF MONTANA, COMMISSIONER OF SECURITIES,
MONTANA STATE AUDITOR'S OFFICE, TO THE MOTION OF THE STATE OF
IDAHO DEPARTMENT OF FINANCE FOR THE APPOINTMENT OF
AN EXAMINER PURSUANT TO 11 U.S.C. §1104(c)**

The State of Montana, Commissioner of Securities, Monica J. Lindeen, Montana State Auditor's Office, by and through counsel, and hereby files this joinder ("Joinder") to the *Motion Of The State Of Idaho Department Of Finance For The Appointment Of An Examiner Pursuant to 11 U.S.C. § 1104(c)* [D.I. 1276], and incorporates the arguments made therein by reference.

In support of this Joinder, the State of Montana states as follows:

1. On November 10, 2008 (the "Petition Date"), the Debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").
2. On January 14, 2009 (Idaho "Complaint filing Date"), the State of Idaho, Department of Finance ("Idaho"), filed its complaint in the District Court of the Fourth Judicial District of the State of Idaho, in and for the ADA County against the Debtors alleging, *inter alia*,

that Debtors committed acts and practices in violation of provisions of the Idaho Securities Act, Idaho Code § 30-1401 *et seq.*

3. On January 21, 2009, Idaho filed a *Motion of The State Of Idaho Department Of Finance For The Appointment Of An Examiner Pursuant to 11 U.S.C. § 1104(c).*

4. On January 21, 2009, Idaho filed a *Motion To Shorten Notice With Respect To Motion Of The State Of Idaho Department Of Finance For The Appointment Of An Examiner Pursuant to 11 U.S.C. § 1104(c)* and a hearing is scheduled for March 13, 2009 at 9:30 AM.

5. The State of Montana, Commissioner of Securities, Montana State Auditor's Office ("Commissioner") has jurisdiction over securities transactions pursuant to Montana Securities Act ("Act"), specifically Title 30, Chapter 10, Montana Code Annotated. Investment contracts are securities under the Act. Mont. Code Ann. § 30-10-103(22)(a).

6. The Commissioner has jurisdiction over securities registration under the Act, including but not limited to: registration of securities, registration of securities dealers, salespersons, investment advisers, investment adviser representatives, issuers and regulation of fraudulent and other prohibited practices. Mont. Code Ann. §§ 30-10-201, 30-10-202, and 30-10-301.

7. The acts and practices of the Debtors herein have affected at least eighty Montana investors with and aggregate investment of at least \$32 million.

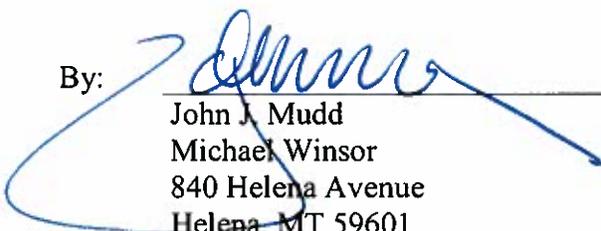
8. The State of Montana, hereby submits this Joinder to Idaho's *Motion of The State Of Idaho Department Of Finance For The Appointment Of An Examiner Pursuant to 11 U.S.C. § 1104(c)* and incorporates Idaho's arguments made therein.

WHEREFORE the State of Montana respectfully requests that this Court enter an order directing the appointment of an examiner and granting such other and further relief as is just and proper under the circumstances.

Dated: Helena, Montana February 27, 2009

MONICA J. LINDEEN
State Auditor and Commissioner of Securities

By:



John J. Mudd
Michael Winsor
840 Helena Avenue
Helena, MT 59601
Telephone: (406) 444-2040
Facsimile: (406) 444-5558

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
)	
DBSI INC., et al.	)	Case No. 08-12687 (PJW)
)	
Debtors.	)	Re: D.I. 1276
)	

**ATTORNEY CERTIFICATION IN SUPPORT OF STATE OF MONTANA
MOTION FOR JOINDER TO THE MOTION OF THE STATE OF IDAHO
DEPARTMENT OF FINANCE FOR THE APPOINTMENT OF AN EXAMINER
PURSUANT TO 11 U.S.C. §1104(c)**

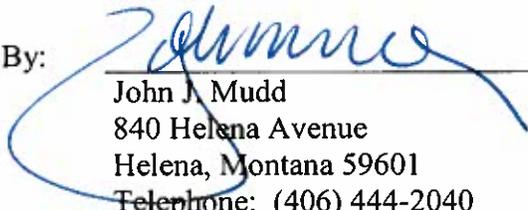
I, John J. Mudd, certify that I am a member in good standing of the bar of the state of Montana, the United States District Court for the District of Montana and the United States Court of Appeals for the Ninth Circuit, without any restriction on my eligibility to practice, and that I understand my obligation to notify this Court immediately of any change respecting my status in this respect.

2. I agree to be bound by the Local Rules for The United States Bankruptcy Court, District of Delaware (Effective February 1, 2009).

3. I agree to submit to the jurisdiction of this Court for disciplinary purposes.

Dated: Helena, Montana February 27, 2009

By: _____


John J. Mudd
840 Helena Avenue
Helena, Montana 59601
Telephone: (406) 444-2040
Facsimile: (406) 444-5558

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
)	
DBSI INC., et al.	)	Case No. 08-12687 (PJW)
)	
Debtors.	)	Re: D.I. 1276
)	

**ATTORNEY CERTIFICATION IN SUPPORT OF STATE OF MONTANA
MOTION FOR JOINDER TO THE MOTION OF THE STATE OF IDAHO
DEPARTMENT OF FINANCE FOR THE APPOINTMENT OF AN EXAMINER
PURSUANT TO 11 U.S.C. §1104(c)**

I, Michael Winsor, certify that I am a member in good standing of the bar of the state of Montana, the United States District Court for the District of Montana and the United States Court of Appeals for the Ninth Circuit, without any restriction on my eligibility to practice, and that I understand my obligation to notify this Court immediately of any change respecting my status in this respect.

2. I agree to be bound by the Local Rules for The United States Bankruptcy Court, District of Delaware (Effective February 1, 2009).

3. I agree to submit to the jurisdiction of this Court for disciplinary purposes.

Dated: Helena, Montana February 27, 2009

By: 
Michael Winsor
840 Helena Avenue
Helena, Montana 59601
Telephone: (406) 444-2040
Facsimile: (406) 444-5558

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)
DBSI INC., *et al.*) Chapter 11
) Case No. 08-12687 (PJW)
)
Debtors.)
)
_____)

CERTIFICATE OF SERVICE

I, Michael Winsor, hereby certify that I am not less than 18 years of age and that on the 27th day of February, 2009, I caused true and correct copies of the foregoing **JOINER OF THE STATE OF MONTANA, SECURITIES COMMISSIONER, MONTANA STATE AUDITOR'S OFFICE, TO THE MOTION OF THE STATE OF IDAHO DEPARTMENT OF FINANCE FOR THE APPOINTMENT OF AN EXAMINER PURSUANT TO 11 U.S.C. §1104(c)** to be served upon the parties listed on the attached 2002 service list via first-class mail.

Dated: Helena, Montana February 27, 2009

By:


Michael Winsor
840 Helena Avenue
Helena, MT 59601
Telephone: (406) 444-2040
Facsimile: (406) 444-5558
E-mail: dsautter@mt.gov