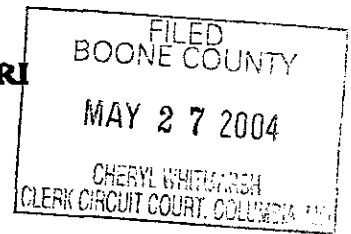


EX 17

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI



STATE OF MISSOURI, ex rel.
JEREMIAH W. (JAY) NIXON,
Attorney General,

Plaintiff,

v.

GREG DELINE, et al.

Defendants.

Case No. 04-CV165070

FILED³

JUN 2 5 2004

PLAINTIFF'S DECLARATION WITHDRAWING
CERTAIN COMPLAINANT FROM THIS ACTION

Missouri Public
Service Commission

COMES NOW Jeremiah W. (Jay) Nixon, by and through his assistants, Peter Lyskowski and Zora Mulligan, and states as follows:

1. This Court has before it a civil suit initiated by Plaintiff alleging violations of Chapters 407 and 700 RSMo 2000 in the sale and servicing of manufactured homes;
2. The Missouri Public Service Commission ("Commission") is given authority in Chapter 700 RSMo to issue registrations to manufacturers of, and dealers in, manufactured housing;
3. Pursuant to this authority, the Commission is also vested with the power to enforce the registration scheme by assessing civil penalties and taking adverse action against registered manufactured home dealers;
4. The Commission has before it a complaint brought by the Director of the Manufactured Housing and Modular Units Program ("Director") relating to a transaction involving consumer Don Higginbotham and Defendant Amega Sales, Inc.;

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5. The action before the Commission seeks civil penalties pursuant to § 700.115.2 RSMo 2000 and suspension of Amega Sales, Inc.'s registration pursuant to § 700.100.3 RSMo 2000 for the conduct alleged in the Director's Complaint;

6. Plaintiff's suit before this Court seeks, *inter alia*, civil penalties pursuant to § 407.100.6 RSMo 2000 and revocation of all Defendants' registrations, where applicable, pursuant to § 700.115.1 RSMo 2000;

7. By order of the Commission dated March 25, 2004, Plaintiff was made a party to the Director's complaint regarding Mr. Higginbotham now pending before the Commission;

8. Pursuant to Plaintiff's nominal involvement in the Commission's proceeding, Plaintiff was given notice of and attended the deposition of Mr. Higginbotham on May 20, 2004;

9. After attending Mr. Higginbotham's deposition and reviewing the evidence in the Plaintiff's possession regarding Mr. Higginbotham's complaint, Plaintiff determined that Mr. Higginbotham's complaint could not be sufficiently proved for inclusion in the group of consumer complaints that form the basis of the Plaintiff's action in this Court;

NOW THEREFORE Plaintiff declares that the action before this Court will be prosecuted on the basis of the other complaints received by Plaintiff, and none of the allegations made by Mr. Higginbotham will be used as a basis for relief sought by Plaintiff; further, that Plaintiff will, in all relevant pleadings henceforth, make note of this declaration.

Respectfully Submitted,
JEREMIAH W. (JAY) NIXON
Attorney General



ZORA MULLIGAN, Mo. Bar 54990



PETER LYSKOWSKI, Mo. Bar 52856
Assistant Attorneys General

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered, via facsimile on this 25th day of May, 2004, to:

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
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